

**CLARK COUNTY PLANNING COMMISSION  
MINUTES OF PUBLIC HEARING  
THURSDAY, JULY 20, 2006**

Public Services Building  
BOCC Hearing Room  
1300 Franklin Street, 6<sup>th</sup> Floor  
Vancouver, WA

**CALL TO ORDER**

The public hearing of the Clark County Planning Commission was called to order at 6:30 p.m. by Chair, Jeff Wriston. The hearing was held at the Public Services Building, BOCC Hearing Room, 1300 Franklin Street, 6<sup>th</sup> Floor, Vancouver, Washington.

**ROLL CALL**

Planning Commission Present: Jeff Wriston, Chair; Dick Deleissegues, Vice Chair; Ron Barca, Milada Allen, George Vartanian, and Jada Rupley.

Planning Commission Absent: None.

Staff Present: Marty Snell, Community Planning Director; Rich Lowry, Chief Deputy Prosecuting Attorney; Gordy Euler, Planner III; Colete Anderson, Planner III; Jeff Niten, Planner II; Darci Rudzinski, Consultant; and Sonja Wiser, Administrative Assistant.

Other: Cindy Holly, Court Reporter.

**GENERAL & NEW BUSINESS**

**A. Approval of Agenda for July 20, 2006**

The agenda for July 20, 2006, was approved as distributed.

**B. Communications from the Public**

None.

**PUBLIC HEARING ITEMS & PLANNING COMMISSION ACTION**

**A. AMEND CLARK COUNTY CODE 40.240, COLUMBIA RIVER GORGE NATIONAL SCENIC AREA DISTRICT:**

The Planning Commission will consider minor amendments to Clark County Code 40.240 to be consistent with adopted revisions to the Columbia River Gorge National Scenic Area Management Plan.

**Staff Contact: Gordon Euler, (360) 397-2375, Ext. 4968**

WRISTON: The first item is the Clark County Code, Amend Clark County Code 40.240, Columbia River Gorge National Scenic Area District. Gordy.

EULER: Thank you, Mr. Chairman. For the record I'm Gordy Euler, Clark County Long-Range Planning. Basically the purpose for me being back before you is to present a couple of minor changes to the Columbia River Gorge Ordinance and this came about as part of the normal process. The Board on May 2nd of this year adopted revisions to CCC 40.240 and by law we're required to submit those revisions to the Columbia River Gorge Commission and the US Forest Service for them to make a finding that our revisions are consistent with the scenic area management plan and the one major change is a definition of lot line adjustment that we failed to incorporate, and there's one other change for clarification that's in the staff report plus some scrivener's errors and I'd be happy to go through those if you'd like, otherwise that's the sum and substance of the staff report.

WRISTON: Okay, I appreciate that. I think everyone's had a chance to review them. Any questions of staff? No? If not --

ALLEN: I would like to add one more scrivener's error that's on Page 4, under D.5.b, it says the responsible official shall approve a proposed used instead of use, so you need to change that to use?

EULER: Are you talking about in the staff report?

WRISTON: No, in the --

ALLEN: In your Attachment 1, Page 4, it says we're correcting some of the scrivener's errors, this one is under expedited development review process.

EULER: I see Line 10.

DELEISSEGUES: Line 10.

ALLEN: Line 10.

WRISTON: Any other comments? If not, open it up to the public for testimony. Is there any testimony on this matter? All right. Seeing none, return to the Planning Commission. Wishes of the Planning Commission, questions of staff? Motion?

BARCA: I make a motion to approve as --

ALLEN: I second.

BARCA: That's right.

WRISTON: We're moving. All right. Any further discussion? Roll call, please.

**ROLL CALL VOTE**

BARCA:	AYE
ALLEN:	AYE
VARTANIAN:	AYE
RUPLEY:	AYE
DELEISSEGUES:	AYE
WRISTON:	AYE

WRISTON: It carries to the Board of County Commission with a recommendation of approval as written by staff with the scrivener's change caught by Milada.

DELEISSEGUES: Thank you, Gordy.

VARTANIAN: Thanks, Gordy.

**PUBLIC HEARING ITEMS & PLANNING COMMISSION ACTION**, continued

***B. 2006 Annual Reviews amending the 20-Year Growth Management Comprehensive Plan Map and Zone Map:***

11. **CPZ2006-00003 Heritage Plaza** The property owners are seeking to change the Comprehensive Plan and zoning designation for parcels 159107-000 and 159116-000 (6.14 acres) from Neighborhood Commercial with a C-2 zone and Urban Low Density Residential with a R1-6 zone to Community Commercial and C-3 zoning, located at 15514 NE Fourth Plain.  
**Contact: Darci Rudzinski (360) 397-2375, Ext. 4434**  
**or e-mail: [annual.review@clark.wa.gov](mailto:annual.review@clark.wa.gov)**

WRISTON: Yeah, thank you, Gordy. This brings us to the 2006 annual reviews amending the 20-year growth management comprehensive plan map and zone map.

A couple of things, it looks like we have a very full agenda, it depends on how much testimony we have, but from what we can tell it looks like we have a full agenda. I did want to give everyone, and I don't see a lot of the attorneys out there so they can catch up with us later, the Planning Commission is considering coming up with some protocol in the future because of several past hearings that have just run on and on and on and continuations where we've had to unfortunately kick people at the end of the docket and kick them to the next week and sometimes even the next week, the Planning Commission is considering protocol for time limits, we don't know exactly what those will be, we'll be getting together with the planning -- the Long-Range Community Director and Community Planning Director and discussing those with him, but we are considering that we have time limits.

Some things that were thrown about were roughly 15 minutes for proponents and 3 minutes for opponents in terms of time limits of testimony and also receiving written. We receive a lot of written material the night of the hearing, there's no possible way we can read the written material the night of the hearing, so we're asking that written material be submitted 48 hours in advance. And if that is the case, then hopefully proponents and opponents alike can basically get up, we will have read the material and get up and give us the highlights of their material and move the hearings forward quicker and I think once people get used to that that that will work in everyone's advantage and be fair to move things along, but in that spirit tonight we would ask that people work to try to limit their testimony to the extent they can and keep their testimony brief, try to hit the highlights, especially if it has already been submitted in writing.

And the other thing I always would like to point out it also helps, especially again if you've submitted something in writing, it does not help for you to come up, in fact it quite often doesn't help because it drives us crazy, for you to come up and just read it to us out loud because we've already read it. So it would help if you just kind of hit the highlights of those.

DELEISSEGUES: And it's already in the record.

WRISTON: And it is already in the record and has been looked at. So with that in mind the only other change is we are re-ordering Numbers 14 and 16, we're basically switching them, Number 16 will go in the place of Number 14 and vice-a-versa, so Number 14 will be the last item we hear tonight and that's at the request of those parties. So with that in mind we'll start with Item Number 11 which is CPZ2006-00003, Heritage Plaza. Staff, please.

RUDZINSKI: Good evening, Chair Wriston and Planning Commissioners, my name is Darci Rudzinski with Clark County Long-Range Planning staff. The first two annual review requests being considered this evening are seeking approval for higher density commercial land use designations and the main issues revolve around site suitability, to a lesser extent neighborhood compatibility, and also transportation impacts as usual

have been looked at and evaluated, but for both cases are expected to -- those moderate increases that are expected by the change in land use are not expected to adversely impact the transportation system.

So getting to CPZ2006-00003, Heritage Plaza. The property owners are requesting a comprehensive plan and zoning designation change for 6.14 acres from neighborhood commercial with C-2 zoning and urban low density residential with R1-6 zoning to a community commercial designation and C-3 zoning, and these properties are located at 15514 NE Fourth

Plain Boulevard. There are two parcels under separate ownership as part of this application. One is currently developed with a single-family residence, residential structure, and the smaller of the two parcels is vacant. We'll see those soon, okay.

NITEN: It's coming.

RUDZINSKI: The smaller of the two parcels has a very small portion of it with a surface mining overlay designation, that's consistent with the residential subdivision to the north that also had this overlay. Just for some orientation, the Sifton Commerce Center light industrial park is being developed to the south of this site and Heritage Shopping Center lies to the southeast at the corner of SR-500 and NE 162nd Avenue. Part of this application is requesting the removal of the surface mining overlay that's on the small portion of Parcel 159116, that small parcel is lies to the east.

The Heritage parcel, the larger of the two parcels that's to the west was before -- into the County for a pre-application conference for site plan review in 2005. Staff noted that at the time the office use that the applicant was proposing was not allowed in C-2 and so Development Services staff's recommendation was to come in for a rezoning so that the office use that they wish to put on that parcel would be allowed and in this case it would be allowed under the requested C-3. Again, primary policy issues concern site suitability and transportation.

Written comments. The City of Vancouver did provide some comments dated July 11th regarding access onto Fourth Plain Boulevard. Again the staff conducted a transportation impact analysis to calculate future, potential future traffic generation and if the C-3 is approved the development could possibly generate 618 more vehicle trips per day, but the transportation impact analysis concludes that the level-of-service on NE Fourth Plain Boulevard is not expected to be impacted by this proposal.

Staff recommendation is that the Planning Commission forward a recommendation of approval to the Board of County Commissioners. Approval should also include the portion zoned -- the very small portion of the easternmost site that's zoned R1-6 and also removal of the surface mining overlay. Staff has found that the request is consistent with countywide planning policies and that their request is consistent with the locational criteria and purpose statement of the community commercial district. The subject site is currently designated for commercial uses. If the proposed C-3

zoning is approved, the subject site will be able to develop with a greater intensity and variety of uses at the junction of two major public streets and in close proximity to residential neighborhoods and employment areas that uses on this site would serve. That concludes it.

WRISTON: Thank you, Darci. Any questions of Darci?

DELEISSEGUES: Well, it's not all zoned commercial, right, it is zoned R1-6 on the eastern portion of that?

RUDZINSKI: Not the whole eastern portion, it's the tiny little bit that butts up to the north there. And the applicant actually provided a measurement of how this, small this was per their application, it's 52 feet by 27 feet and it was part of the East Lake Village site plan and you see it has a surface mining overlay on it which is what those stripes are.

WRISTON: I was wondering where it was, this mining overlay, okay. Okay.

DELEISSEGUES: What did you say the dimensions of it were?

RUDZINSKI: Well, we haven't confirmed this but this came from the applicant, 52 by 27.

DELEISSEGUES: Feet?

RUDZINSKI: Yeah, I believe so.

DELEISSEGUES: And that's got its own zoning?

RUDZINSKI: Well, it's curious.

DELEISSEGUES: Yes, it is.

RUDZINSKI: And it is consistent with the subdivision to the north.

ALLEN: Is it possible that there was a lot line adjustment?

RUDZINSKI: Not certain. It -- yeah.

ANDERSON: Colette Anderson, Long-Range Planning. That small piece was actually part of the subdivision to the north and when the subdivision was put into play there was actually a building there at one time and so when they crafted the subdivision, they actually created the boundaries around it and now the building is no longer there and is of useful purpose and but they have the leftover remainder of the actual zoning.

DELEISSEGUES: Okay. So for all intents and purposes the entire piece is really C-3 or 2, C-2 now?

ANDERSON: That's true, but for the record we had to --

DELEISSEGUES: Yeah, I understand. Okay. Thank you.

WRISTON: Isn't that whole area's already mined out I believe, isn't it?

ANDERSON: There's no more mining activities going on in that area.

WRISTON: Yeah, we probably -- I mean at some point just clean that up and remove that, I mean that's an old pit.

ANDERSON: You can make that part of your recommendation.

WRISTON: To remove the surface mining overlay you mean? Why have it when it's built and mined out so.

BARCA: Highest and best use.

WRISTON: What's that?

BARCA: Highest and best use.

WRISTON: Highest and best use. Well, you know, I'd say keep it on there if there was rock on there because the way we're going it would probably be more valuable to remove the homes but I think the rock's all gone so.

DELEISSEGUES: Spoken like an ex-Pacific Rock.

RUPLEY: Ex-gravel guy, yeah.

WRISTON: Ex-gravel guy, that's right. Any other questions of Darci or Colete?

BARCA: I guess I'm just trying to understand as we make this change we're adding commercial designation? Is that what we're doing? We have a commercial designation but we want a different commercial designation?

RUDZINSKI: That's correct.

BARCA: And that's because there's already been a decision to put a particular client into this property that needs the change?

RUDZINSKI: The history that the applicant has provided us indicates that they would

like an office type use that's not currently allowed under C-2 but is allowed under C-3, and as you've noticed from the recommendations and conclusions, this is probably a good time to go over, if the Planning Commission does choose to recommend the proposal, staff is suggesting that a restriction goes with the covenant of the land that restricts future development to those uses that the applicant has actually identified that they would like to have or conversely they have supplied us with a draft covenant that states that some of the more intensive uses under C-3 would be restricted.

BARCA: Yeah, that's kind of the point or the direction I was going with this because as we do this, if we give them the blanket change it opens up many other options to the developer that are outside of the scope of what we're actually discussing here and so I did want to know if we are to entertain the aspect of saying that should we make this change, we're doing it on the applicant's behalf but with the restrictions of accepting this at face value of what the applicant has stated that they want to accomplish with the property.

RUDZINSKI: And that is consistent with what the applicant has basically offered and the uses that they've identified as being more intensive and generating more trips basically are general retailers over 25,000 feet gross floor area, a hardware, home repair and supply stores 25,000 to 100,000-square feet, and they've also identified in a transportation impact analysis that athletic clubs over a certain size are large traffic generators as well as drive-through drive-ups so staff has recommended to add those two additional uses to the list already in the applicant's covenant or concomitant agreement.

BARCA: As prohibitions towards development?

RUDZINSKI: As prohibitions.

ALLEN: And this particular agreement would be recorded to go in perpetuity with that particular piece of land?

RUDZINSKI: That's correct, that's the recommendation.

ALLEN: So it's connected to the land. Now how is it going to be enforced? Like in the future if somebody decides to convert a use let's say that has that cap on it or that has that restriction of the size on it and they convert it to something else, how are you going to be monitoring and making sure that the agreement is fulfilled in perpetuity and goes with the land in perpetuity?

RUDZINSKI: It does get recorded as part of the property deed and we are suggesting restricting uses which is easier to monitor at the development stage than say a trip cap would be in the future. So the opportunity to really monitor does come at the development stage, but this ensures that if the title of the land changes, ownership changes of the land, that this restriction isn't -- these restrictions are not lost from



property owner to property owner.

ALLEN: It would be also mapped as well? I mean the restriction itself would be on the map?

RUDZINSKI: No, it would be written.

ALLEN: So if somebody misses it in research is there a secondary checkpoint?

ANDERSON: In the County's (inaudible) Tidemark system everything that we do now is recorded electronically and we're able to put flags in the system and actually know that there's a concomitant agreement tagged with the property so that any future research that staff would do that they would have a note associated with it and they would trigger it.

ALLEN: So it will be electronic and also written someplace, right, manual as well in case the electronic fails?

ANDERSON: That's correct.

ALLEN: Okay. Thank you.

WRISTON: Further questions?

ALLEN: The City --

WRISTON: Go ahead.

ALLEN: Were you going to ask about the City annexation?

VARTANIAN: Me?

ALLEN: Yeah. I think you had a question.

VARTANIAN: Yeah, well, I had a question early on but I think staff answered it earlier and that was that given that this may wind up being in the urban growth, sorry, within the city limits soon, but my understanding is that they've understood what's going on and they don't have a problem with our proceeding on this property; is that correct?

ANDERSON: That's correct. I've talked with Suzan Wallace with the City of Vancouver and they are in support of this process continuing.

RUDZINSKI: That having been said, staff is also recommending per the transportation impact analysis that staff developed also consistent with the letter that Vancouver has submitted that direct access to Fourth Plain should be restricted and property should

take access from 157th Avenue extension heading north so that would also be part of a recommended concomitant agreement to continue the road extension through the property to provide that connectivity as well as restrict access to Fourth Plain by allowing access to the two properties only from 157th.

VARTANIAN: I just a follow-up, I'm sorry, just a follow-up on that. I assume if this were to become incorporated within the city limits the rules on concomitant agreements would still maintain? I mean they don't have a different set of rules, the City doesn't have a different set of rules versus County?

RUDZINSKI: Well, this would be development under County standards, once it's in the city I'm not certain, but that would be a legal question of whether or not that would follow.

LOWRY: Rich Lowry, County Prosecutor's Office. Yeah, the court cases in the state of Washington indicating that, that development approvals do follow that the development when it gets incorporated the City is bound by the decisions that have been made and that would include any concomitant rezone agreement.

VARTANIAN: Okay. Thank you.

ALLEN: Including all those caps?

LOWRY: Whatever the provisions are.

ALLEN: Whatever they are. Okay. Thank you.

WRISTON: Further questions before we get to the public? We'll get to the public in a minute. I think what we'll do tonight we'll take the proponents first and, then anyone that would like to speak either opposed or what have you, but any proponents that would like to speak towards this issue on Heritage Plaza? Anyone for this then? Any representatives, applicants, representatives I guess would be the -- and I need -- right here we need a name and address from you, please.

### **PUBLIC TESTIMONY**

THOMPSON: Gene Thompson, the owner of Heritage Plaza, 31810 NE 49th Street, Camas, Washington. I guess really what I want to point out was the mixed use designation right next to it would be consistent with C-3 in the County I believe on 20 percent of the property assume would be the road frontage up there; is that correct?

VARTANIAN: It's not necessarily C-3, it's commercial --

THOMPSON: Commercial designation.

VARTANIAN: But there are limitations on what commercial can go into this. The old code had C-3 totally contained within mixed use.

THOMPSON: It did.

VARTANIAN: That's been changed about six months ago into new ordinance I think.

THOMPSON: To what? Do you know what it's --

VARTANIAN: You'd have to look at the code what's permitted and what's not permitted.

WRISTON: Darci, can you --

THOMPSON: It's pretty consistent with what would happen there, 80 percent residential, 20 percent commercial or some form of there.

VARTANIAN: Well, yeah, the percentages would be 80 or 20 whichever way you go, but there's a limitation on what commercial can go into the mixed use zone now that wasn't there before, the old code.

THOMPSON: The reason for the C-2 to C-3, there's some very odd restrictions in that neighborhood commercial. For example I own a real estate company and we need a space for real estate office, there was a need for office space out there, but you can have an insurance company but you can't have a real estate company in that zoning so it really doesn't make a whole lot of sense. Plus the fact that you're -- well, it was a State Highway, now it's going to a city, the State has turned it over to the City of Vancouver, you know, but a main thoroughfare there. It just seemed that neighborhood commercial was inconsistent with what the neighborhood and what was all around the property, that's the reason for it. But we just located, you know, a lot of need for some office types of things, banks, you can have a like I said an insurance company but not a bank or a mortgage company type thing there so. Appreciate the consideration.

WRISTON: Any questions? Okay. Thank you. Any other proponents or applicant representatives? All right. Anyone else from the general public that would like to testify? I need a name and address.

CHRIST: My name is Jan Christ and I happen to live in the subdivision that borders this property, East Lake Village. When looking at this map and hearing that the surface mining overlay is just a little minor problem I would like to bring to your attention that all of the properties that when you look at the dark area in red in C-2 that border that property, they all have pumps underneath the homes to pump out the water. These were built -- before the houses were sold the pumps were put in. I live down the street

on 70th Avenue and on my street in the last week I have learned that five neighbors have had to have pumps and Sun Country is out there putting in some of the pumps even though two years ago when I asked them to put it in my home they told me that, you know, it was basically my problem after the one-year warranty on the home.

What there was was a lake and the lake was filled in and even though I have all of your material that asked the, oh, gosh, I didn't bring my glasses up here so I can't, the Army Corps of Engineer to make sure that that pond was filled in correctly, I believe that my home sat, sits right in the middle of that pond and that was not filled in correctly, and I haven't seen the paperwork, I've tried to get it from the County regarding that this work was completed, and so all I can say to Mr. Thompson is that I hope if he puts some kind of a building right there that is close, that he could possibly be running into the same problem our neighborhood has ran into and that's water underneath.

And when I talked to the County many times, you know, they express grief at the number of homes in Clark County that have been built either on wetlands or where water is going underneath the homes and I've even had to pay for like people coming in and checking all my filters in the house to make sure that there's not mold because ever since I moved into the house I do have severe allergy problems which I never had before. So I would ask that maybe the County could check that this lake was filled in correctly because I believe that that -- and that surface mining overlay that was attached to East Lake Terrace is also can be removed at the same time or if it has already been removed, then it can be removed from the property that's in question right now.

In talking to Mr. Thompson today I think it's going to be great working with him. He knows that the beautiful trees on his property is what gives our neighborhood some of its value and protection from not only the noise on Fourth Plain Boulevard but also the trees absorb some of the pollution from the cars and then if there's going to be backup when people turning into the proposed development, then there's going to be cars idling and more pollution in the air which impacts our neighborhood. So he has indicated to me that he would like to, you know, he's not for cutting down any trees at all that don't have to be and we're very pleased to hear that. Other than that I didn't have any further issues.

WRISTON: Any questions?

CHRIST: Oh, sorry.

WRISTON: That's all right.

DELEISSEGUES: Just a statement, you know, those trees help through transpiration to get rid of some of that water you're talking about so --

CHRIST: And --

DELEISSEGUES: -- another reason to keep the trees.

CHRIST: And excuse me, sir, and that's I forgot about that and I think I put it in here that he had contacted Forestry but I haven't seen -- my brother's worked for the Forest Service for 25 years and he told me if those trees come down there's possibly more water in our neighborhood, so I think that that issue has got to be addressed and we have got to look on that surface mining overlay if it's removed off of this property if it was removed off of East Lake Village because they were connected at one time.

DELEISSEGUES: Okay. Thank you.

CHRIST: Okay. Thanks.

WRISTON: Thank you. Anyone else would like to testify on this matter? Okay. Seeing none, I'm going to go ahead and close the public testimony and return to Planning Commission. Staff, anything you'd like to, or Darci, anything you'd like to add to anything you've heard?

#### **RETURN TO PLANNING COMMISSION**

RUDZINSKI: No. No.

WRISTON: Questions or comments?

DELEISSEGUES: Yeah, I have just a question. Staff, are you going to work with the applicant on coming up with the restrictive language that restricts it only to whatever it is you and he agreed to?

RUDZINSKI: Yes. Yes. Per the recommendation and conclusions on Page 11 of the staff report that that's what we would be recommending and we would come up with the language of the concomitant agreement before it went to the Board of County Commissioners hearing in the Fall.

DELEISSEGUES: Thank you.

WRISTON: Thank you. Further questions? Discussion? Motion?

DELEISSEGUES: Well, I'd make a **MOTION** that we **approve** the applicant's request, the change to C-3, and that we also recommend removal of the surface mining overlay not only on this property but as well West Lake Village, the entire surface mining overlay seems to be out of date.

WRISTON: I'd hate to be there.

RUPLEY: **Second.**

ALLEN: I second.

WRISTON: Okay. Who, I think Jada, I think Jada beat Milada so I think Jada was the second whoever's putting that down.

RUDZINSKI: Could staff ask for clarification on the additional provisions in the staff report as far as restricting uses, connectivity issues with 157th and restricting access on Fourth Plain.

DELEISSEGUES: Okay.

BARCA: Yeah, you can ask.

RUDZINSKI: Is that part of the motion, that was my question?

DELEISSEGUES: **It is so amended.** Is it okay with the second?

RUPLEY: I'll **amend** my second.

ALLEN: Yes, I had that written down, thank you.

WRISTON: Okay. So the motion's been amended and seconded. Roll call.

### **ROLL CALL VOTE**

BARCA:	AYE
ALLEN:	AYE
VARTANIAN:	AYE
RUPLEY:	AYE
DELEISSEGUES:	AYE
WRISTON:	AYE

WRISTON: Motion carries on Heritage Plaza to the Board of County Commissioners with approval as amended. Next item on the agenda is Gramor, CPZ2006-00012, Darci.

**PUBLIC HEARING ITEMS & PLANNING COMMISSION ACTION,** continued

12. **CPZ2006-00012 Gramor NE/192<sup>nd</sup> Avenue** The property owner is seeking to change the Comprehensive Plan and zoning designation for parcels 176377-000, 176388-000, 176392-000, 176394-000 (9.41 acres) from Neighborhood Commercial with a C-2 zone to Community Commercial and C-3 zoning. The subject parcels are located on the northwest corner of the intersection of SE 1st Street and SE 192nd Avenue.  
**Contact: Darci Rudzinski (360) 397-2375, Ext. 4434**  
**or e-mail: [annual.review@clark.wa.gov](mailto:annual.review@clark.wa.gov)**

RUDZINSKI: All right. The property owners are requesting a comprehensive plan and zoning designation change for 9.41 acres from neighborhood commercial with C-2 zoning to a community commercial designation and C-3 zoning. In addition the applicant is also requesting the removal of the surface mining overlay that is on this site. The site's located on the northwest corner of the intersection of SE 1st Street and NE 192nd Avenue, just west of the Fisher Swale area. Again for some orientation, to the south is Home Depot and Wal-Mart and a shopping center. To the east is a Glad Tidings Church, we'll catch up with the picture, and then to the west it is zoned office campus but the site is currently used for a Portland cement concrete batch plant and that's to the west. The site was currently developed with a single-family residential structure, a gift shop, a restaurant, since the annual review application was received by the County the site has been cleared of all improvements.

Again for some background, the subject parcels have an approved conditional use permit and site plan review application from August 2002 to build a retail shopping center consisting of a grocery store anchor, a gas station, miscellaneous retail uses, a bank and a restaurant. The subject site is part of the Section 30 master plan prepared in 2004. This was a plan that was developed to guide a post-mining policy direction for land use in this area. This area is expected to transition to urban development over the next ten years and this commercial uses on this site, they're consistent with the Section 30 master plan.

We have not received any comments on this application. Staff recommendation is that the Planning Commission forward a recommendation of approval to the Board of County Commissioners. Staff has found that the request is consistent with countywide planning policies. The request is also consistent with the locational criteria and purpose statement of the community commercial district. The subject site is currently designated for commercial uses if the C-3 zoning is approved. The subject site will be able to develop with greater intensity and a variety of uses at the junction of two major public streets. Further commercial uses would serve the existing and future residential neighborhoods in East Clark County. If approved the surface mining overlay should be removed from these parcels as part of an approval action by the Board of Clark County Commissioners to rezone the parcels to C-3. That concludes staff report.

WRISTON: Questions of staff?

DELEISSEGUES: Yeah, I had one question. We don't have the Section 30 master plan in our book, but it seems to me there was parks and recreation areas to the north part of that section and then residential and I just wondered what in that master plan would be to the north and to the west of this zoning?

RUDZINSKI: I believe this map is in your packet, I can't remember if it's in the applicant's submittal or if we have it separately, I'd like to try to find it for you or if we can put it up, maybe that would be better, we can take a look at it, I don't know offhand.

DELEISSEGUES: I don't see it in my book.

VARTANIAN: Yeah, I don't think we have it.

RUDZINSKI: No? Okay.

WRISTON: No, we do, you just have to know what it looks like, it's that big colorful --

EULER: It's attached to it.

DELEISSEGUES: Okay. So it's way in the back.

WRISTON: You're not going to be able to make much of it. You might be able to put it -- do you have it there?

NITEN: Yeah, I've got it here.

PRINTZ: It is attached to our stuff.

DELEISSEGUES: Oh, yes, there it is.

WRISTON: It's just as much of a mess there as it is --

VARTANIAN: Oh, yeah, that's clear.

RUPLEY: So in that purple section.

DELEISSEGUES: I didn't bring my magnifying glass so I can't hardly read it on this.

PRINTZ: (Inaudible).

VARTANIAN: Does that mean we're schizophrenic or something.



DELEISSEGUES: Eye test, you get your driver's license if you can see that. Well, maybe Randy can enlighten us.

PRINTZ: I would be happy to if you're ready, whenever you're ready for me.

WRISTON: Any other questions of staff? Okay. Randy.

PRINTZ: Randy Printz, 805 Broadway, I'm here on behalf of the applicant. In talking with the Chair this evening I know that you guys when we have a lot of things on the agenda and some of them are going to take longer than others, this one shouldn't, and I will try to make this extremely brief.

WRISTON: We'll credit you some time then.

PRINTZ: Yeah, and that may be good. If you have a specific question on this, I mean the only point of the Section 30 reference both by staff and by us was obviously this is an area that's been looked at from a planning perspective from both the City and to some extent the County. What we are proposing here is consistent with that. I met actually with the City's folks yesterday, they are supportive of this request. If you can take this down and put back I think the previous one that was up there.

NITEN: The aerial photo?

PRINTZ: That just show, yeah, either the aerial or just the quarter section map, either one, it just shows the parcels. Yeah, that will work. Our primary reason for doing this is as you know we already have a fairly significant shopping center approval on this that we got about four years ago. We actually came to staff and talked to them about getting this, having this rezoned, then, from C-2 or from neighborhood commercial to community commercial and they said, well, what do you want to do out there and we told them and they said, well, maybe there's an easier way to do this, or at least a simpler one from a process standpoint, which is all the uses that you're requesting could be obtained with a CUP in neighborhood commercial. So we went that route rather than sort of the legislative route and the Hearing Examiner, staff recommended approval, the Hearing Examiner approved it, and so that's been there --

HOLLEY: Stop. Stop. You have to slow down.

PRINTZ: I'm trying to be fast for --

HOLLEY: Well, if you want a record that's accurate.

PRINTZ: Yeah. No, we want a record, I'm sorry.

WRISTON: She rules.

HOLLEY: Just slow down, please.

PRINTZ: Okay, I would be happy to.

DELEISSEGUES: We'll give you another half a minute.

PRINTZ: All right. So in any event that approval has been there for a while. What's happened in the meantime are a number of things. One, obviously the City has changed some of the things that used to be planned for on the corner to the south and we now have a Wal-Mart and a Home Depot there. The Section 30 plan identifies this area and the City is certainly looking at this as a major commercial node in this area. Gramor who owns the piece that we're here before you have also been in discussions with the City and the Glad Tidings Church as well as the school district which owns the piece on the southeast and the idea here is to try to master plan this whole area up here and work on the transportation, you know, connectivity, pedestrian connectivity and the various uses and where they might fit the best and the City's excited about that, Glad Tidings is excited about that, and so that will undoubtedly require some changes to our existing approval and so the reason for this request is to get to CC which is a much more appropriate use or a zone for the uses and the things that we're pursuing.

So in a nutshell that's what we're doing. There is a substantial narrative in the record that goes through all of the County's code criteria for changes in the comp plan and demonstrates compliance with that. There is also a market analysis in there that's also required by the code and I would be happy to answer any questions. How's that for quick?

WRISTON: That was good.

DELEISSEGUES: Yeah, good.

WRISTON: Any questions of Randy?

PRINTZ: I won't be that good later.

WRISTON: I know, great. No questions of Randy? Okay. Thank you.

PRINTZ: Thank you.

WRISTON: Anyone else here to testify on behalf of the applicant? Anyone else or anyone else here to testify in opposition or at all? All right. If not, we'll close the public hearing on this item and return it to the Planning Commission. Darci, do you have anything you want to add before we –

**PUBLIC TESTIMONY**

None.

**RETURN TO PLANNING COMMISSION**

RUDZINSKI: No.

WRISTON: Okay.

DELEISSEGUES: I think we --

WRISTON: Questions or comments?

DELEISSEGUES: Just a comment. I think we spent a lot of time on this Section 30 master plan, this is definitely in concert with the master planning that we did do so it seems consistent to me to, you know, with what we're trying to accomplish in this area.

WRISTON: Other questions or comments?

BARCA: Although I thought I heard Mr. Printz say that they were in negotiation with the City on doing a master plan for this intersection?

PRINTZ: We have been working with the City on a master plan for those three corners and just trying to -- we've had a number of discussions with them, the school district and the church and Glad Tidings trying to work -- trying to figure out what, you know, what might best go here and the City is supportive of -- certainly supportive of that effort and is supportive of this going to CC.

BARCA: So it appears as if there's some subarea planning more or less going along, going into this very small location to try and work through the traffic aspects because we already have the Wal-Mart and the Home Depot are already in place so anything that we were talking about four years ago is pretty much not of the same consequence as it is now, we have new tenants, new ideas, but just for the record to clarify, you still basically have the same tenants, the same uses as listed in the documents provided here, the grocery store, a bank and --

PRINTZ: Those uses are currently still approved, yes, if that's what you're asking.

BARCA: That's what I'm asking.

PRINTZ: Yes. No, those approvals are valid and they are still in existence.

BARCA: Okay. And I guess that being said, it seems like when we look at the way

that the area is zoned for and it's going to fill out, those are all very compatible uses with the area and you don't get there with C-2.

PRINTZ: That's right.

RUPLEY: Do you want a motion?

WRISTON: Yes, unless anyone has any further comments or questions, a motion would be great.

RUPLEY: I recommend **approval** of the staff recommendation for approval to change from C-2 to C-3 community commercial.

BARCA: **Second.**

WRISTON: Further discussion? Roll call.

ALLEN: Don't we also need to add the mining overlay removal?

RUDZINSKI: That's correct.

ALLEN: Amend that.

RUPLEY: So I want to amend --

WRISTON: Just on that little area.

RUDZINSKI: Well, this is --

WRISTON: You got to be careful.

ALLEN: Surface mining overlay for that site.

WRISTON: We took it off of that other, all right.

DELEISSEGUES: We want to get rid of that Pacific Rock Rinker operation there too.

RUPLEY: So you want me to remove it for Section 30?

WRISTON: (Inaudible). Anyway, roll call, please.

**ROLL CALL VOTE**

BARCA: AYE  
ALLEN: AYE  
VARTANIAN: AYE  
RUPLEY: AYE  
DELEISSEGUES: AYE  
WRISTON: AYE

PRINTZ: Thank you very much.

WRISTON: The motion carries with the changes.

**PUBLIC HEARING ITEMS & PLANNING COMMISSION ACTION**, continued

13. **CPZ2006-00006 Schoen** The property owner is seeking to change the Comprehensive Plan and zoning designation for parcel 200320-000 (40 acres) from Employment Center and OC zoning to an Urban Low Density Residential and R1-6 zoning, located at 11204 NE 152nd Avenue.  
**Contact: Darci Rudzinski (360) 397-2375, Ext. 4434**  
**or e-mail: [annual.review@clark.wa.gov](mailto:annual.review@clark.wa.gov)**

WRISTON: All right. How are you doing? All right. We'll move on to the Schoen, CPZ2006-00006, I might have missed a zero there. Darci.

RUDZINSKI: There are three annual review requests scheduled to be heard tonight that if approved will result in a loss of employment land in the county. The first, Schoen, is requesting a change from office campus to residential zoning. The other two which are last on your agenda tonight are requesting a conversion of industrial land to highway commercial uses. One of the major policy issues pertaining to these three annual review requests is the County's no net loss policy for employment land. Comprehensive plan policies in Chapter 9 state that the Board of County Commissioners can approve a land use amendment -- before the Board of County Commissioners can approve a land use amendment they must first determine that the subject property cannot feasibly be improved to prime industrial status due to physical conditions, but a non-industrial or non-employment designation is more appropriate in light of new circumstances and applicable planning policies or that replacement sites of equal or greater industrial potential within the existing UGA have been designated industrial before redesignating the subject property to a non-industrial designation.

The Planning Commission held a hearing on July 13th of this year to consider changes to the County's no net loss policy and the Planning Commission has forwarded a

recommendation to the Board of County Commissioners for amendment, amendments to the County Economic Development policies and then the Board of County Commissioners will be considering these recommendations at the hearing this Fall.

Background on CPZ2006-00006, Schoen. The property owners are requesting a change for 40 acres from an employment center designation with office campus zoning to an urban low density residential designation and R1-6 zoning. The site is located at 11204 NE 152nd Avenue. The subject site currently has a single-family residence and several outbuildings associated with cattle farming and it's currently zoned for office campus uses and is subject to an urban holding district urban holding 40 overlay. Again for some background on this parcel, the subject parcel was brought into the Vancouver's urban growth area as a result of the County's GMA update in September of 2004. All lands brought into the UGA were also designated with an urban holding district overlay which prevents urban development until urban services can be provided to serve the area. As demonstrated in the staff report, the major policy issues pertaining to the annual review request is the County's no net loss policy.

Transportation issues were also evaluated. The staff's generated transportation impact analysis that concludes that the expected increase in daily trips that may result from approving the request to R1-6 zoning is not anticipated to have a significant affect on the transportation system; however, there is an adopted circulation plan, the SR-503 circulation plan that shows a planned east/west collector from NE 152nd Avenue to NE 137th or 132nd Avenue heading east and calls for improvements to NE 152nd Avenue as well.

We have received comments from the City of Vancouver, these were submitted to the Long-Range Planning Department March 31st, 2006. The City is in opposition to the requested change in land use designation because the applicant does not adequately address the County's no net loss policies for employment land and in addition the City's position is that the proposed change should not proceed at this time due to the urban holding overlay designation that currently applies to the property. Staff is recommending that the Planning Commission forward a recommendation of denial to the Board of County Commissioners to modify the comprehensive plan and zoning map from employment center to urban low density primarily because the County's no net loss policy has not been met.

The County Economic Development policies do not allow the conversion of employment center lands to non-employment center districts outside the ten-year update to the growth management plan unless equivalent acreage within the existing UGA is redesignated industrial or employment center. The subject parcel is not currently being considered for redesignation as part of the current update, nor has the applicant provided information regarding equivalent acreage that can be redesignated to offset the loss of employment land if this site is changed to the R1-6 zoning. Their request for residential uses on the subject site was considered by the County when the property was brought into the UGA. It was determined at that time that the site should

retain its employment center designation. Staff has found the applicant has not adequately shown that there has been a change in circumstances that would warrant a change in land use designation or that the requested residential designation better implements applicable comprehensive plan policies. That concludes staff's report.

WRISTON: Okay. Thank you, Darci. Any questions? Okay. Before we turn to you, Mr. Howsley, and, Mr. Horenstein didn't hear this as well, but there's not much we can do about it tonight, we're going to try to in the future, we're all going to get together and Marty and we're going to come up with a protocol to try to get written materials 48 hours in advance which means we got to get staff to get you written materials and staff reports in time for you to be able to respond to that so that in the long run what we'd like to do is be able to keep proponent's testimony down close to 15 minutes, I mean a little, you know, a little over if you have to, but I did just quickly perusing through this I'm not sure that you're going to be hitting that 15 minute mark tonight, so just a warning.

The reason why is we keep -- our docket keeps getting pushed and pushed and pushed and we keep kicking people into later hearings and all, so just giving everyone fair notice that in the future we are going to try to come down to something like that, but we got to give you time to submit a written record as well and then you can go through the highlights. But with that in mind, and that wasn't just aimed at you, I just knew that you and Steve weren't there for that portion of the discussion and Randy got it personally in the other room, so with that in mind why don't you go ahead, Mr. Howsley.

HOWSLEY: Thank you, Chairman Wriston, members of the Planning Commission, James Howsley, Miller/Nash, 500 East Broadway, Suite 400, Vancouver, Washington 98660, attorney for the applicant. And I do appreciate your comment today and unfortunately I couldn't get the written testimony to you guys sooner due to the fact I had to go to Seattle on business yesterday and I apologize, the length of this will probably be about 20 minutes today if you can bear with me.

First of all I'd like to address why this request makes sense at this location and then I will address specifically the comments and conclusions contained in the staff report, the transportation impact analysis report, as well as the comments received by the City of Vancouver. Next slide. The property sits basically at the northeast corner of the Vancouver urban growth area, it's adjacent to some -- a large lot subdivision directly to the north that is in urban reserve and then the urban growth boundary is, it's also bounded on the eastern front by 152nd. Go ahead the next slide. The property is located near associated employment opportunities along SR-503 including Eastridge Business Park and other associated land uses there. It's adjacent to existing urban low residential district directly to the west which is also owned by the applicant. As I mentioned there's an additional, a rural residential large lot subdivision directly to the north and there is a continuous demand for residential units in this area as demonstrated by pre-applications filed for developments, subdivisions, in this urban

holding area. The next slide. The trends in the area are -- demonstrate an increase need for adjacency of complimentary uses, residential uses near employment uses and commercial uses in providing a transition. The reason for this annual review seems to fit is that it does provide a transition between the larger lot subdivisions and the employment uses directly to the south and office campus.

Moving along I would like to address staff's comment, staff's comments. Staff acknowledges throughout the staff report that this request is consistent with County planning policies and goals and staff generally appears to support the request and this is found in the following statements: The amendment is consistent with applicable State GMA goals. The subject site is within the Vancouver UGA and the proposed residential zoning would allow housing at a density consistent with zoned land in the area. The next slide. Approving this proposal would allow the parcels to be subdivided to accommodate additional single-family residential thereby assisting the County's goals and providing various residential densities and be compliant with GMA Goal 4. With the necessary on-site transportation improvements, efficient connections to existing residential areas can be made through the site, and I'll address that a little bit later in my testimony.

The next slide. The proposal is consistent with Policy 5.1.8 and according to the transportation impact analysis generated by the County there would be no significant increase in p.m. peak trips if this change were granted. The next slide. The subject parcels are within the Vancouver UGA and the requested density would be consistent with the policies. The requested R1-6 zoning would provide for a specific type of low density housing that would be consistent with existing comprehensive plan policies. The level-of-service on 152nd Avenue and 119th to the north would not be jeopardized by approving this change. And the urban low density designation is consistent with the adopted housing policies and the County's transportation impact analysis concludes that once again a change in land use of this would not greatly impact the transportation infrastructure in this area.

The next slide. Furthermore, they conclude that the R1-6 zoning is compatible with the adjacent R1-5 zoning to the west and allowing densities higher than the existing urban reserve residential subdivision to the north. Essentially they conclude that the proposed urban low density residential designation is in conformance with the comprehensive plan locational criteria and the zoning district purpose statement. It is anticipated that the public -- urban public services will be available to this site prior to urban development and it would be the intent of this to be compliant with the urban holding district overlay which is moving forward towards removal in this area. And finally, again the TIA demonstrates that designating this, again, will not significantly impact the transportation system in this area.

In short, it would appear that staff could support this request at this location; however, we think that staff recommends denial solely based upon this concept of no net loss of employment lands. The County Economic Development Policy (1a) states that it



doesn't allow conversion of employment center lands unless it's during the ten-year comprehensive plan update. A site-specific request has been submitted to the Board of County Commissioners requesting a comprehensive plan amendment during this current update process so that request along with this request have been filed for concurrent review because it's uncertain at this time when that new plan will be adopted and we're not really sure what the County's inventory of either highway commercial or employment land will be at this time. The request was filed in accordance with countywide policies and procedures.

Moving to the no net loss policy itself, the policy states that unless -- (1b) states that employment land will not be converted unless equivalent acreage within the UGA is redesignated industrial or employment center. The requirement for replacement of equivalent acreage in exchange for the loss of employment land is only one of the three criteria to justify a comprehensive plan amendment. Remember, you decided last week to recommend a change to from "or" to "and" but we are traveling under the existing language which is "or" so you have -- we only have to demonstrate compliance with one of those three criteria in order to justify a change of land use designation. And you'll see the policy set out there in front of you at 9.3.5 Criteria (1) would state that you can approve a change if it would be demonstrated that such lands cannot be feasibly improved to prime industrial status due to topography such as critical area, street patterns, public infrastructure, existing lot arrangement, et cetera, and I will address the critical areas that are on the site a little bit later in my presentation.

And then the second criteria that we do believe this is in compliance with is the fact that we do believe a non-industrial non-employment center designation and zoning is more appropriate in light of new circumstances and applicable planning policies that have arisen under this new proposed plan. The next slide. Furthermore, we believe that the County no net policy fails in several respects because it fails to recognize there are additional lands being created with the proposed expansion of the urban growth areas that the Board is going through right now. It also fails to recognize a net gain from conversion or redevelopment of vacant and underutilized lands within the existing UGAs. The City of Vancouver for instance has asked the Board of County Commissioners to adopt several overrides reflecting their belief that they can accommodate additional jobs within the existing inventory within their own city UGA. The no net policy also fails to deduct land from the inventory to account for those parcels that have been passed over for industrial development because the industrial designation simply doesn't promote development of the site to its highest and best use.

And it fails to recognize that each of the Cities are considering amendments to their urban growth areas to add additional employment lands to their inventory. Cumulatively right now the cities in Clark County are requesting over 3,000 acres of land to be added for industrial, business park and employment center lands during this new update. Each of the Cities is committed to redevelopment within their individual urban growth areas and they will be providing an opportunity to consider comprehensive plan amendments within their urban growth areas through the annual

review process that may also increase employment land through changes from residential property to commercial or residential property to other types of uses. Both of these factors will undoubtedly result in an increase in the county's inventory of employment land and it's not recognized in the staff report. Approval of this request would remove approximately 40 acres from the employment campus district to urban low residential and would leave approximately 120 acres of land designated for employment center in this immediate location, that would be the land directly to the south.

And again it's our belief that the no net loss policy is not a determining factor in itself for denying this request requiring all three criteria to be met, again we only need to meet one of those three criteria outlined. Furthermore, as reminded to you last week during the hearing there is not a strong basis for the no net loss policy under the Growth Management Act. The policy as explained last week was a result of a Hearings Board remand on the issue of conversion of industrial land to the 1994 plan, so since we're at an adoption of a new 2004 plan since we're moving towards adoption of a new 2006 plan, the legal basis for this no net loss policy is very questionable. Moving to what we believe we do meet in fact is we do believe that there is a change in circumstances that would warrant an amendment based on that no net loss policy. The staff states that the applicant hasn't adequately shown that there is a change in circumstances that would warrant a change in the land use designation, in fact there is new circumstances. These include there has been a remand of the adopted 2004 plan, there's a current update of the comprehensive plan currently in process, there was a new Board of County Commissioners that has convened since the previous Board adopted the 2004 plan, there's a wetland assessment of the site revealing site constraints such as wetlands, there has been the adoption of the SR-503/119th circulation plan which includes a road on this property.

Now just going through these kind of more systematically, the makeup of the Clark County Board of County Commissioners has changed since the adoption of the 2004 plan and because this current Board doesn't believe there's an adequate inventory of vacant or buildable lots to accommodate growth that is anticipated to continue over the county over the next 20 years it believes it's necessary to update this and during the current update the Board has provided opportunity to examine where it is more appropriate to locate employment land and by adding employment land to the inventory to better meet the locational criteria that they have identified, and I'll go through some values and policies that they've stated that would seemingly want to make this property a better transition between the urban low large lot subdivision to the north and to the employment use to the south.

As I stated there are critical area constraints on the property. Since the property was brought into the urban growth boundary it has been determined that there is several Category IV wetlands across the site that limits the property's ability to accommodate a large employment campus style environment. And bring up the next slide we'll show the map. Sorry it's a little bit angular, the north would be going that way and as you

can see there's three or four Category IV wetlands that are on the site that are kind of these large finger wetlands that when you add the buffers on it and make it very difficult to develop it for a large single employment user. The next slide. Development of the site would require -- to its fullest potential would require obtaining a Section 404 individual wetland fill permit from the U.S. Army Corps of Engineers through a JARPA and based on our recent experience it has been increasingly difficult, if not impossible, to obtain an individual wetland fill permit, I believe there's only been two ever issued in Clark County, one for Legacy Hospital and one for Hazel Dell Towne Center.

BARCA: Excuse me, would you go over again what would trigger that permit requirement?

HOWSLEY: A permit requirement for an individual fill permit would be if we were to attempt to go in and fill more than a half acre of jurisdictional wetlands.

BARCA: Thank you.

HOWSLEY: And again based on our experience it would be virtually impossible to obtain that because of the Corps' requirement for an alternative site analysis, and we believe also that the recent update to the critical areas ordinance makes it increasingly difficult to have wetland fills even under the County's ordinance. We believe that protection of the critical areas on-site can be more easily achieved and uses can be more easily accommodated through residential development that it doesn't require fill activity. The Board has identified several values and principles in going through its current update process. These include the fact that that they want to ground truth where residential and jobs make sense, they don't want any more wetland industrial. This request meets the intent of the Board's directive to identify other more appropriate land in the county for employment during this current update.

In addition in the pretty recently the County Commissioners adopted the SR-503 circulation plan which included a provision for a neighborhood collector to extend through the southern end of the subject parcel. We did in fact testify at that hearing and we did request that the Board of County Commissioners amend the circulation plan to include a collector arterial moving through the property in order to connect with the rest of the property owned by the applicant to the west so it would allow us to develop the site cohesively and provide some circulation for that entire area rather than having just this north/south road and then having this parcel not be available to connect to 152nd with the rest of the development and the interior. We believe that upon redesignation of the property to urban low the site will develop with residential units and provide the necessary cross-circulation as I alluded to with the construction of a neighborhood collector from 137th to 152nd through this property.

Moving along. We do believe that the staff had stated that the applicant hasn't adequately shown that the requested residential designation better implements the applicable comprehensive plan policies and this was a statement also by the City of

Vancouver. The property, we believe that the property doesn't meet the locational criteria for the office campus district which requires locating near major intersections and along a major arterial and it's highly unlikely that 152nd Avenue at this location will ever be approved to a major arterial due to its -- the fact that it is on the existing urban growth area line. The nearest major intersections are located at 117th Avenue and 99th Street and 117th Avenue and 119th Street. NE 152nd at this location isn't planned for improvements to major arterial status and therefore the property doesn't meet the locational criteria under the plan or the code for office campus.

Moving along to compatibility. The employment center office campus district is a newly established district that was established during the 2004 update. Development has not occurred under this zoning designation. There remains many, many uncertainties as to the compatibility of the uses with surrounding uses. And the uses permitted under the office campus district would include light manufacturing, warehouse, on-site hazardous waste storage and treatment facilities, solid waste handling and disposal sites and these sites and uses aren't compatible with the urban residential areas that are anticipated to develop immediately to the west of the property as well as the large lot subdivision that exists directly to the north of this site. We believe that conversion of this site to residential would provide a better transitional zoning between uses. The residential uses on this subject parcel will provide a continuity of shared open spaces, pedestrian connections such as sidewalk and trails, it will increase density in the area but it would provide a transitional buffer between the rural lots to the north and the future development of the R1-5 zoning to the west.

Again I would return you to the some of the values and principles announced by the current Board of County Commissioners and moving forward with the new update. They have stated that new growth needs to blend well with existing neighborhoods; i.e., that you need to provide transition zoning, you need to provide buffering, you need to provide gradual transitions between the style of development and type of development out there. Approval of this request to residential would absolutely accomplish those values and principles identified the Board during this update. So we believe approval of this request for a plan amendment and zone change would enable the subject site to develop with residential uses consistent with and a transitional with the adjacent properties. It will facilitate the development of the property to its highest and best use given the physical constraints of the property. It better implements the protection of the critical areas because it won't require fills of wetlands. And it does meet the County's need for a cross-circulation in this area, allowing this site to convert to residential will allow the properties immediately to the west and this property to develop at once and cohesively to provide that cross-circulation for the area.

One other issue that was mentioned by staff and that was raised during the City's letter is this issue of urban holding, currently the Board of County Commissioners has moved forward with an ordinance to remove urban holding in this immediate vicinity. Current discussions are underway with the Battle Ground School District and transportation studies are currently in effect both by the County and the private side to figure out what

is needed for regional and local improvements to get us out of there, but the Board has indicated a desire to remove urban holding once it can be demonstrated that those services can be available and we do believe that they will be available and are continuing to work with the County in order to accomplish that.

Just in final summary, we believe that approval of this request will fulfill many of the County's planning policies and goals. It will fulfill the Board of County Commissioners' values and principles as set forth during this current update and we believe that it could be supported by staff based on their review of the specific planning and transportation policies and locational criteria. We again just believe that recommendation of denial was just based solely on this no net loss policy and they're not considering each of those factors independently, instead they were considering them as a whole. And with that would like to conclude my testimony at this time unless there's any questions.

WRISTON: Thank you, James. Questions? George.

VARTANIAN: I have a question. When was this property brought into the urban growth boundary?

HOWSLEY: It was brought in during the 2004 update. Throughout that process I did represent the current applicant on that. We did request throughout the five years that I was representing this that this parcel be designated residential. At the last minute the Board of County Commissioners shrunk the urban growth boundary and amended a lot of the land use designations in order to accommodate certain jobs and I think that they neglected to in many circumstances look at the complimentary nature of the uses, in this case specifically the fact that this property was adjacent to single-family to the west and this larger lot subdivision to the north.

VARTANIAN: Yeah, but it's urban campus, I'm sorry, office campus, is that what it is just to the south of it?

HOWSLEY: Yeah, correct.

VARTANIAN: So you're going to have the same issue whether you have residential where you're planning where you would like to see it versus employment lands or if it stays the same way you're going to have the same conflict with the UR-10 above it, it's just a matter of where you want to have that distinction break up, that's all.

HOWSLEY: And again I think that some of the values and principles announced by the Board would seem to indicate that you would want to provide a transition between these larger lot one-acre units moving more dense.

VARTANIAN: Oh, you're saying because of the density change as opposed to residential?

HOWSLEY: Right, density change. Correct.

RUPLEY: Mr. Howsley, the Battle Ground School District in front of both the Planning Commission and the County Commissioners have indicated they cannot have any additional growth so would you tell me any of your conversations that would say something different than that?

HOWSLEY: Well, I mean as part of the whole urban holding update, you know, we've been on the private side have been having many conversations with the Battle Ground School District as well with the Board of County Commissioners and staff to figure out ways to, you know, alleviate and accommodate growth in this area. Currently it's my understanding that the Battle Ground School District is looking at first of all adopting higher impact fees for this area as a result of this process, as well they have asked for our help in helping them identify some land to accommodate a school out here, we are actively assisting them in doing that. The Board of County Commissioners did pass an ordinance supporting the removal of urban holding in accordance with a development agreement that would address some of these issues and address these issues to the Battle Ground School District satisfaction and again we would continue to move forward to address those issues that they have.

WRISTON: Okay. Further questions?

DELEISSEGUES: I have a question.

WRISTON: Okay, Dick.

DELEISSEGUES: Mr. Howsley, have you looked into the possibility of obtaining any replacement sites of equal or better industrial potential than the one we're talking about?

HOWSLEY: No. Realistically we think because the Board of County Commissioners is going through proposed amendments to the urban growth areas and because the Cities have proposed more than 3,000 acres of expansion for employment uses and industrial lands, we don't think it's necessary at this time, you know, we're talking 40 acres here, they're talking about increasing it 3,000 or more acres.

BARCA: Are they not also asking for additional residential property in that same update?

HOWSLEY: They are asking for additional residential, yes, to accommodate a new growth percentage that they've adopted.

BARCA: Right.

HOWSLEY: And approval of this request, again, could balance, balanced out through

that process.

WRISTON: Further questions? No?

BARCA: No.

WRISTON: Okay. Thanks, James.

HOWSLEY: Thank you.

RUPLEY: I do have one. Is there anything in this packet that we need that none of us have seen that you think is different than any of the stuff we've read? I'm done.

HOWSLEY: I think, you know, pretty much the PowerPoint went pretty thoroughly through the issues raised in the new letter, you know, again addressing some of the site constraints and the new circulation plan and addressing some of the concerns raised in the City of Vancouver's letter.

ALLEN: Question for staff. Could you go over the preamble that you had regarding our recommendation last week to change "or" to "and" and also our recommendation to study the cum economic employment and designation analysis. I was distracted by distribution of the materials that Mr. Howsley brought in so I didn't quite hear everything you said. Could you just that change, address that change that we had recommended last week and also some of the direction that we gave to the Board to maybe study the economic employment?

RUDZINSKI: I do not have their -- your recommendation before me, your recommendation to the Board of County Commissioners that you forwarded on July 13th. There are three criteria under the policy that you are speaking of and the current language is that all three of those criteria must be, I'm sorry, that one of the three --

ALLEN: One of the three.

RUDZINSKI: -- of those criteria must be met, that's signified by the "or." The changes that you've recommended to the Board of County Commissioners to consider is amending that policy to an "and" requiring that all three of those be required before the Board could approve a change from employment to another use.

ALLEN: And you had mentioned something that the Board was considering doing that, the Board of Commissioners was considering to do that?

RUDZINSKI: They will --

ALLEN: Was there something in the beginning before the case was presented that you said something that the Board --

RUDZINSKI: No. We just mentioned that you had -- that the Planning Commissioners had forwarded a recommendation for a revisitation of this policy including that specific amendment, you had other recommendations as well I understand, but not anything date-specific.

ALLEN: Okay. Sorry, I was distracted by the material being distributed.

DELEISSEGUES: And we recommended a group or a committee to look into changing -- look at the whole policy and see if it needs further changing.

LOWRY: Right. The specific recommendation from the Planning Commission from last week was to delete the first criteria, change the "or" to an "and" so you'd have to meet both of the remaining two criteria and to form a committee to look at the issue in a more broad fashion.

ALLEN: And I thought that there was something mentioned that this was forwarded on to the Board and the Board was considering that and I just wondering how, what the timeline would be for that consideration, if would it be this year, next year?

LOWRY: It will be this year.

ALLEN: This year. Okay. Thank you.

WRISTON: Some of it. Now you guys got to bring me up to speed since I wasn't here last week, but why did we decide to delete Number 1 or not?

BARCA: Can we -- as much as I appreciate this conversation, in all fairness to Mr. Howsley since we are hearing this case based on the existing code --

WRISTON: Exactly.

BARCA: -- I don't believe this is an appropriate discussion to have before him right now. I mean if we want to do this in between the docket items or before individuals, that's one thing, but he has set criteria that he's brought before us and I think it's only appropriate that we hear his material based on the existing --

WRISTON: Good point.

BARCA: -- criteria so.

RUPLEY: Good point.

HOWSLEY: I would appreciate that especially --



WRISTON: Yeah, don't get me wrong, I wasn't suggesting that we were going to --

BARCA: It's a fine discussion but not appropriate for this particular item.

HOWSLEY: Especially since the Board hasn't adopted any of your recommendations yet.

BARCA: Please.

WRISTON: Any other questions or comments?

BARCA: I don't have any more questions.

WRISTON: Okay. Is there any other one that wants to testify on behalf of the applicant? James, do you have anyone else here that --

HOWSLEY: No.

WRISTON: Anyone that wants to testify on this matter at all? You're lucky. Seeing none, return it back to the Planning Commission.

### **PUBLIC TESTIMONY**

None.

### **RETURN TO PLANNING COMMISSION**

BARCA: Question of staff. Perhaps Mr. Mabrey can help us with this question. The change of 172nd Avenue I know that we heard last year about trying to change the status of that particular avenue, I'm trying to remember whether it was changed to an arterial or what we did with that because I remember there was a lot of public debate about whether it was going to be 182nd or 172nd and it landed on 172nd?

MABREY: Right. Mike Mabrey, Long-Range Planning Staff.

DELEISSEGUES: To 119th.

MABREY: That's been more like four or five years ago because that I believe occurred before I started working here. My understanding is that that's going to be revisited yet again in that 182nd still seems to be the dominant route that people actually use, a lot of it will hinge on the design work that happens at Ward Road, 99th Street, 172nd intersection which will -- Public Works is trying to advance and get constructed as soon as possible because of the safety hazard that currently exists there. Currently 172nd is

shown as being the rural major and 182nd was reduced to rural minor. Frankly I think given the kinds of information that we're seeing come out of the transportation analysis for the alternatives in the current comp plan, it's likely that we'll recommend that both of those be reclassified as rural arterials such that we can preserve right-of-way so when the boundaries keep moving over the next 50 years you won't be stuck with a two-lane road out there. That's probably a lot more answer than question that you asked, but I hope I addressed it.

DELEISSEGUES: And a lot further out in the future.

BARCA: Okay. I was just trying to remember whether it was being upgraded to arterial status in the plan and you answered that question for me.

WRISTON: Further questions?

DELEISSEGUES: Well, I just had a question on staff's evaluation of this piece of property considering the constraints. I mean I don't -- I can't understand anybody thinking that an office park would be out on 152nd south of 119th right now, there's a long way to Orchards which is probably -- and a long way to Battle Ground which are probably the two closest business or commercial centers and this is kind of out in the rural area that's surrounded by what used to be low grade agricultural, you know, lots of acres for no production that's turned into residential, and it just doesn't seem to me that the County went out and found a vacant piece of land out in the middle of nowhere and designate it as employment center. There's no more employment center potential for that piece of land than my backyard so maybe you could explain to me what criteria was used to evaluate this property and designate it as employment center.

RUDZINSKI: I wouldn't be able to answer that specifically tonight. I think more to the point this area was or perhaps a different point this area was designated office commercial and it is a large area, it's not just this parcel, and there was some background to basically find areas that could fulfill the County's employment needs and this was one of the areas that was designated for those needs and it's not being re-evaluated as part of this current process, we have answered a question from one of the Planning Commissioners, Commissioner Vartanian, about the policy, economic development policy, that basically instructs the County to look at conversion of employment lands as part of a long-range process, it's part of that no net loss concept, but the policy is 9.1.11 and its intent really is that these land conversions shouldn't happen incrementally but should be looked at in a comprehensive fashion to address the County's employment needs so.

DELEISSEGUES: But to pick a rural area that has wetlands, poor transportation, surrounding zonings not compatible, the location's far and away from any compatible business or economic or employment center and designate it out of the blue it appears to me as employment center it just doesn't make any sense.

ALLEN: Yeah, in my opinion this will be a good candidate for that cum analysis that we had recommended to the Board of Commissioners last week.

WRISTON: The what analysis?

VARTANIAN: Cumulative.

WRISTON: Oh, cumulative.

DELEISSEGUES: Just suggesting to Mr. Howsley that maybe this highest and best use of this land is to trade it, you know, no net loss for some really good industrial or employment center and trade this off to somebody else and so you can develop something that makes sense.

ALLEN: Or a park.

BARCA: So, Dick, recognizing that it's rural land at this moment, as soon as you put houses on it, then it's no longer rural land and it makes it a good candidate to have commercial next to it and then there's no employment center opportunity because you've just filled it up with houses and neighborhood commercial. I think this is why it's called long-range planning and we're supposed to be trying to create a vision that goes along with the aspect of some sort of time frame in the fill-out of this. It's pretty obvious that as they take the urban holding off of this there is already a vast amount of tracts of areas that are going to convert to residential far beyond the scope of what the infrastructure can handle for that area already. Perhaps it is going to be one of those situations where it doesn't turn over as employment center as readily as it would turn over as residential land, but there's no place in the county that wouldn't turn over immediately as residential land and that is always going to be our situation, that it's not necessarily highest and best use just because you can sell it and convert it as quickly as possible. That's highest and best use perhaps for an individual, but it isn't necessarily for the greater good of the community to have that happen each and every time that there's an opportunity to do so.

My biggest concern about this is that we're in the midst of comp plan review, we have this urban holding going on that's already making conversions and changes and this is really out of concert of the other things that are already spinning. It could easily be that within the context of how the Commissioners turn the urban holding over and the comp plan review a lot of the designations end up getting changed again. I just feel like when we look at this the aspect of highest and best use is not one of immediacy. We don't have a problem in the aspect of trying to get houses put in, we have a problem perhaps with the right economic mix of houses or affordable housing. We also have reams and reams of testimony that was given to us last week by Miller/Nash representatives about the aspect of conversion of commercial land and industrial land and the idea of trying to retain jobs in the community and we got tax leakage and people crossing the bridge and we came to the conclusion last week if we could get rid

of the bridges, then we would have the best economic opportunity for the county possible because we'd force the people to live here and shop here and work here, but we don't have that opportunity, we do have this opportunity and that's not to go ahead and take every employment center because it doesn't have a client ready to build on it and change it.

Eastridge as an employment center isn't that far away from this location. It has a good client base and a good vacancy rate, within time there will be greater demand. I see this as perhaps not appropriate today, maybe not even three, four years, who's to say, after the urban holding gets lifted and everything changes, the golf course changes, you know, we have the arterial on the map, the whole landscape will look different. I just see this right now as something that we don't want to do piece-by-piece.

DELEISSEGUES: You could make the same argument for any property north of Basketflat Road, you know, you could say, well, here's a piece of land in the county that we want to designate as aerospace industrial, maybe in the next 2 or 300 years somebody might come and buy it, you know, I think we're looking at comprehensive planning not just long-range planning and the comprehensive part of this piece isn't there. You don't take a piece with wetlands and everything else, all the constraints that he so eloquently illustrated, and just willy-nilly say this is an employment center out in the middle of nowhere. And Eastgate by the way if you've looked recently does have quite a vacancy rate right now, you better go take another look.

ALLEN: I also had some concerns about using this as a transitional zoning example because to me it's actually increasing the negative impacts on residential when you insert it or bifurcate the commercial and the UR-10 so you're actually increasing the frontage that would have more impact on residential areas from the commercial, so to me again, you know, this is kind of a like a site-specific rezoning request that does not really solve the problem, it increases the problem of negative impacts on residential areas. And also this is part of the to the south of it you have the OC and to the north of it you have the UR-10 and so it doesn't really make sense that it will be transitional between the R1-5 to the west and the OC to the east. I mean it just kind of -- the way it's situated does not make any sense of transitional zoning theory so. And I still think that it should be addressed in the cumulative basis as part of the analysis and that this would be one of the good candidates for that particular cumulative analysis that had been proposed to the Commissioners.

DELEISSEGUES: I didn't in this pause here, I've got a question of staff. What are these parcels to the east zoned? They look like five-acre parcels that are right immediately --

HOWSLEY: AG-20.

DELEISSEGUES: It says AG-20 down below but those are obviously not 20-acre parcels up above there, there's an R-5 in the upper right-hand corner that's about the

same size as the little smaller parcels.

RUDZINSKI: Right. All those parcels immediately to the east are AG-20. There's an equestrian center that's located kind of northeast of the property. Currently the current uses are pretty much farm, farm uses, grazing, horses.

VARTANIAN: Do you remember those questions I used to ask a couple of weeks ago when we were looking at conversion of land from AG-20 to R-5s and all that the land around them was already R-5s, Commissioner?

DELEISSEGUES: Well, I see --

VARTANIAN: That's the same thing, you know, it's in an ag --

DELEISSEGUES: This is R1-10, R-10, R-5, R-5.

RUDZINSKI: Right, further to the east, that's correct.

DELEISSEGUES: I mean it's surrounded by residential even to the south if you go far enough. Yes, George, my memory is sufficient to recall that, yes.

VARTANIAN: Oh, no, I know. That's the same thing. Yeah.

DELEISSEGUES: Thank you.

VARTANIAN: I didn't mean you (inaudible) --

DELEISSEGUES: (Inaudible).

WRISTON: One at a time. James, how much of the property is covered by wetlands, I might have missed that, percentage-wise?

HOWSLEY: It's a significant amount. I think it's when you add the buffers it's about half I believe.

WRISTON: Is it about half with the buffers?

HOWSLEY: Yeah. The buffers under the new regime and I'm not sure how it would -- the assessment was done under the old code so I'm not sure whether the new habitat rating that is in the new code would increase the buffers even more.

WRISTON: Probably about half though? Sorry.

HOWSLEY: I would say, yeah.

VARTANIAN: It's all Category IV?

HOWSLEY: It's Category IV. Under the old, under the old code, again because of the new habitat scoring system I don't know whether that rating will change or not.

VARTANIAN: Yeah. I mean the code, even under the new code aren't Category IV wetlands fairly easy to mitigate or to incorporate even? I mean I'm not -- I don't have a decision on this myself.

HOWSLEY: Well, again, if you were to fill more than a half acre it would require an individual permit by if they're jurisdictional wetlands which these are because they're connected to a ditch.

VARTANIAN: Yeah, but I mean even if they're a Category IV?

HOWSLEY: Yes.

VARTANIAN: No matter what kind of -- okay.

ALLEN: Now as far as the comment from the City that the applicant did not adequately address the loss of employment, what role is the City playing right now, is this proposed for annexation or what, why is the City involved?

HOWSLEY: I think that the City believes, and I think that they stated this in their letter not only in response to our request but in response to the other ones that you'll hear tonight, that they believe that some of these areas will readily annex. I think that these properties were part of the City's attempt to use the Boundary Review Board process to have a greater annexation than was filed for originally, since the Boundary Review Board has been eliminated that process isn't available to them, they would therefore have to have property owner petitions or do a vote in order to bring these into the City of Vancouver. These properties are or this property specifically is quite a ways away from the existing city limits which I believe is down on Mill Plain and 162nd.

ALLEN: Because you were talking about cities adding additional areas, you know, that would probably have the commercial or the office commercial designation and you were using that as part of the justification, that's why I was thinking, well, gee, if the City's going to increase it, you know, could you use some of that, you know, as part of the replacement ratio but it appears that that is not the case.

HOWSLEY: Well, the City is looking at expanding their urban growth area for many areas including immediately they would like expansion which is out in the Johnson dairy area which is immediately to the east of 162nd which would provide a significant amount of acreage that could cover the replacement of this 40 acres.

ALLEN: Yeah, I was trying to find the nexus between what you were saying and what

the City said and what the staff is saying.

HOWSLEY: Yeah. To me it seems a little inconsistent that the Cities including the City of Vancouver has asked for additional employment lands and yet at the same time feel it necessary to state that conversion such as this are not appropriate.

WRISTON: Further questions? Discussion? Comments?

VARTANIAN: Yeah, just I guess a comment unfortunately. I agree with Commissioner Deleissegues as far as what he's saying about the location of this property being where it is amongst all the residential areas and whatever else have you, but, you know, I've seen a lot of nice office campuses that almost look park-like in amongst residential areas. Granted there may be some transportation issues on this one and wetlands obviously, but I'm just reluctant or nervous to give up employment lands because no matter where you put your foot down there's always going to be a problem in this county until you get quite a ways out with employment lands availability, I mean it's a tough one, but I think I just don't want to see it go away, you know, especially since it only recently got into the urban growth area.

HOWSLEY: I would just ask, you know, to remind you again that, again, we had advocated for five years for this parcel to be residential because we believe it did provide a good transition to that larger lot subdivision to the north. Again at the last minute or the last month of the 2004 plan the Board first of all changed a lot of industrial sites in the existing urban growth area to business park to drive up that jobs number and they also went around and changed a lot of the parcels that had been showing as residential such as this one at the last minute to employment center, so it wasn't really based on in my opinion the locational criteria that they've identified in their own comprehensive plan as well as their own code.

WRISTON: Okay. Everyone's out of questions and comments I think?

VARTANIAN: Is -- yeah, maybe a question for the legal. I think given last week's discussions on conversion of land from industrial or employment than non, did we ever decide that the "and" the "or" was a typo or a mistake or does it make any difference given that's what's written in the code today?

WRISTON: No, the "or" --

DELEISSEGUES: We didn't decide anything, we can recommend --

WRISTON: The "or" is -- well, Rich, go ahead and --

VARTANIAN: Well, there's some question about was it just flat out a mistype or something.

LOWRY: Staff has speculated that the change from "and" to "or" was a mistake, was an inadvertent change, but that there has been no finding by the Board that it was inadvertent and the Board has read it as being disjunctive in I believe the previous --

HOWSLEY: Last year.

LOWRY: -- case that Mr. Howsley had, so I think for purposes of this hearing you're to treat it as disjunctive.

VARTANIAN: Okay. Thank you.

WRISTON: Okay.

DELEISSEGUES: Rich, while you're here, has the County made decisions on like applications that have come in using "or" to your knowledge?

LOWRY: Yes. I mean we're dealing with a change that occurred in 2004 and so there hasn't been that many annual review cases that have come along, but there has been one that has gone to the Board and the Board based in part upon Mr. Howsley's argument and my advice to the Board treated the "or" as being literally an "or."

DELEISSEGUES: So for tonight's hearing we should use "or"?

LOWRY: For tonight's hearing the requirement is to meet one of the three criteria.

RUPLEY: It's a disjunctive "or."

WRISTON: I like the "or." All right. Any further discussion? Motion?

RUDZINSKI: Could staff just conclude with a couple of statements?

WRISTON: Sure.

RUDZINSKI: One of which was if you could, if I could direct you to the recommendation summary there really is only one criterion that staff found could be met so it is a little bit more involved than just the no net loss policy, this is on Page 14 of your staff report, and I'd be happy to go into any of those in more detail as far as how we came up with the recommendations for each of those criterion. The other thing that since we've talked, you've talked quite a bit about this area suitability for office campus it is 40 acres, part of a 180-acre site, that's a substantial campus and obviously the natural resource areas will need to be protected under any land use scenario under any designation, so that's something to possibly keep in mind as well, while it looks isolated this isn't an inconsequential amount of land.

WRISTON: But, Darci, if you went through each one of these criteria didn't James go



through the same criteria and just come up with a different answer?

RUDZINSKI: Yes, I think that's, that's correct.

WRISTON: Okay. So I mean it wouldn't do any good to --

RUDZINSKI: I don't know if you'd like for me to spend the time to go back. Staff is not in agreement with all the things that were presented in the PowerPoint presentation, but obviously the applicant's responding to staff's --

WRISTON: Sure. Sure. I just wanted to make --

RUDZINSKI: -- I just didn't want to get into a loop.

WRISTON: I mean you acknowledge and James nodded and then I don't think we need to hear either of you go through your criterias again I don't think.

DELEISSEGUES: While you're on this subject though, it looks to me like in the aerial photograph that the current use of this whole property is agriculture, I mean it's got a farm and outbuildings and the whole bit. We had a big argument last time about preserving agriculture land and now we're okay with taking agriculture land and making it something else, you know, it just seems like whatever we want to do we've got an argument for it and it doesn't matter what. When the circumstances are against it, you know, we can overlook that for whatever reason, if you're looking at the highest and best use, you know, you also have to look at, okay, why are we so agreeable here to take agriculture land and make it employment center land and why is that a higher and bigger use and how far off in the future will that come true than a residential area right now. It just seems like the County is shooting itself in the foot, you know, with this no net loss policy which I think is detrimental to plan county development in good order. If they want to volunteer to get on this committee to look at the no net loss, it doesn't necessarily favor it, you know, want a balanced committee.

WRISTON: You'll do it?

DELEISSEGUES: I'll volunteer.

WRISTON: You didn't volunteer for the railroad one so you can --

DELEISSEGUES: No, I'll take my turn on this one.

VARTANIAN: You suckered me in on that one.

LOWRY: I would volunteer I guess one observation and that's that one area where staff and the applicant are in disagreement is in the criteria for change in circumstances because we're dealing with a comp plan designation that is two years

old, adopted in 2004, in my judgment that is a very important criteria that the Planning Commission needs to grapple with. Now you can find that that criteria is met either by finding a change in circumstances, and I would question whether a change to the makeup of the Board is a change in circumstances that would qualify, or if you -- and the comp plan policy also allows you to find that there was an original mistake in lieu of a change in circumstances, if you believe that there was an original mapping error that you can rely on that, but I think given again the recent nature of this designation the change in circumstances probably is the most important criteria that you need to deal with.

BARCA: And that change of circumstances puts us in the position of the "or" statement in the criteria.

WRISTON: It's one of the three.

BARCA: Right, it's one of the three and as we were given the testimony it was the one that was being used to try and prove the case. And I guess I get back to the aspect of short of doubting the County's commitment towards any kind of long-range planning, I haven't seen a change of circumstance that the County is looking at the aspect of opening up the urban holding lands as a safety valve, but that doesn't mean that the commitment towards the land use designations that were on the map at the time have changed. Granted we look at the aspect of trying to put something on the map that makes sense within criteria that staff goes forward with, but I think that what we're looking at is also the idea that we're not trying to second guess every land use designation that's currently in the urban holding area, we're accepting those as a package, and I would look to us to try and continue that process because as soon as the Commissioners come to an agreement with the private industry on how to go about opening that up, we're going to see such a wholesale change between Orchards and Battle Ground already that at that point in time you are definitely going to see something that could be called new circumstances.

WRISTON: Rich, I missed it when you cautioned us, cautioning us on the 2004. Are you saying because it was so recent --

LOWRY: Yes.

WRISTON: -- or that -- okay. Because it's so recent a change in circumstances is unlikely?

LOWRY: I think it becomes certainly less likely than if you're dealing with a 20-year old designation.

MABREY: If I could just add, there was kind of the -- been the implication that this property was sort of inadvertently thrown into the employment campus mix at the last minute with the last plan and I can assure you that we spent a lot of time out on the

roads looking at every piece of property with specific criteria and for the last plan and ranking every piece of property for its ability to support employment. The criteria included size of the parcel, environmental constraints, certainly location along an arterial is preferred, but location along a fairly major road is, was also part of the consideration, there just wasn't that much available land along major arterials to make up the amount of land that we needed for employment land, so that's kind of a lot of the thinking that went into it, whether it was flat or not had a lot to do with it too.

ALLEN: So this was not a, quote, unquote, accidental zoning, this was a strategic deliberate action to zone it as such based on the research that was available at that time?

MABREY: Right.

ALLEN: Thank you.

VARTANIAN: You said something that just triggered me a thought here. You said there wasn't that much land along many roads and whatever else that you could use for employment land, had there been more employment appropriate land would this, I mean this is probably not a fair question, would this have been classified as employment lands? I mean just having employment lands is one thing, having employment lands because you got no place else to put it is something else.

MABREY: Well, I guess the answer to that is that we looked a whole lot further than the current urban growth boundary extends and we didn't limit ourselves to a small survey, the boundary moved where it moved and followed a contiguous pattern, but in general there was -- it was difficult to find large parcels adjacent to major transportation facilities with all the other advantages like flatness and --

HOWSLEY: If I may jump in this, just having been involved in this very heavily in the last process, for instance the Lagler Dairy property both on the east and west sides of SR-503 north of 119th, those parcels were considered for inclusion last time, in fact I think the east side is in industrial reserve right now, but it was a deliberate attempt by the prior Board of County Commissioners to retract much of the boundary that I think resulted in a lot of the zoning designations that are out there currently in my observation and my opinion. And just in responding to the change in circumstance again, we had identified more than just the change in the Board, again the remand of the adopted plan --

WRISTON: That was a good one.

BARCA: Right, the new Board.

HOWSLEY: There's an update of the new plan, new comprehensive plan that is in process, there was a wetland assessment that has revealed site constraints that wasn't

previously available and there has been the adoption of the SR-503 circulation plan that does call for a collector arterial to run on the southern boundary of this property pursuant to a request that I in fact submitted to the Board.

WRISTON: Okay. Well --

DELEISSEGUES: I'm going to ask --

ALLEN: Staff is going to add something.

VARTANIAN: Yeah. My --

DELEISSEGUES: -- staff this question one more time.

RUDZINSKI: Could I --

DELEISSEGUES: This won't take long, George, and --

VARTANIAN: No, go ahead.

DELEISSEGUES: Isn't this property to the right or to the east of the designated, isn't that parcelized into five-acre pieces? I mean the lots to the north are two acres and there's little white lines here that show about twice the size of those lots and they must be two and a half to five. It might be zoned AG-20, but it's certainly been parcelized into smaller lots unless those lines are meaningless.

WRISTON: It got segged probably.

RUDZINSKI: I believe that that's the equestrian center that's currently being used not for residential per se but it's -- if you're talking about --

DELEISSEGUES: I'm not asking what the use is, I'm asking if those lines designate pieces of property that are about five acres in size?

RUDZINSKI: They certainly look to be that way.

DELEISSEGUES: Yes. Thank you.

ALLEN: Or it could be a tax assessment parcel; right?

DELEISSEGUES: That's all I wanted to know.

WRISTON: Well, I'm sure they're, Rich, you could probably answer this better, but someone probably jumped in and --

LOWRY: We had a, we -- yeah, in 1992, '93 we had a huge run on the Assessor's Office to do what would have been exempt five-acre divisions to avoid potential downzoning that was seen as being in the offing.

WRISTON: A huge run and that, I almost guarantee you that's what that is but --

BARCA: And so just to complete the thought, Dick, even if they are five-acre parcels what conclusion does that bring us?

DELEISSEGUES: The conclusion for me is that they're five-acre parcels, that's all I wanted to know.

WRISTON: Anyway. Do you guys think we're ready for a motion or do you want to keep --

RUPLEY: Yep.

WRISTON: I think here's what I -- someone's got to make a motion and hopefully someone seconds it and then as you go through just quickly give your rationale for your yea or nay vote because I have a feeling that there will be a few different votes here.

BARCA: Well, I'll make a motion.

WRISTON: I may be surprised but --

BARCA: I'll make a **motion** to accept staff recommendation for denial on the requested change from employment center to low residential density and primarily I don't really believe that the applicant has carried the burden of proof to say that we have a reason for changing this when we have all of the land use designations that are before us in the comprehensive plan right now.

ALLEN: I **second**.

WRISTON: Okay. Any discussion? Roll call.

### **ROLL CALL VOTE**

BARCA: AYE

ALLEN: AYE

VARTANIAN: I'd like to ABSTAIN. Can I do that?

DELEISSEGUES: Sure.

WRISTON: Sure. I look at Rich, I mean it's been a while. Do you own part of the

property or something?

VARTANIAN: No. Yes, that's my house with the dot on it.

WRISTON: If you want to abstain you can abstain, that's fine.

RUPLEY: That doesn't stop Jeff.

WRISTON: Yes, that shouldn't stop me, thank you. Abstain, that's fine.

RUPLEY: YES  
DELEISSEGUES: NO  
WRISTON: NO.

WRISTON: And I'm going to be the only one to listen to what I said and just give a quick reason why. I think the applicant has met their burden of proof and particularly I didn't, you know, I wasn't here last time when it was suggested that we strike 1 and I wholeheartedly agree with Ron, I mean that doesn't matter, we're under what we're under, but, you know, it's got a fair amount of wetland constraints which makes that very difficult for office campus, it may be better for mixed use, it may be better for any number of things, but what we're dealing with is office campus and a request to go to urban low.

I also think they've met the burden in discussing the change in circumstances, I particularly like the change in the Commissioners, but I do agree that that doesn't carry much weight at all, but I think some of the other factors that Mr. Howsley mentioned including the SR-503 collector arterial has a lot to do with that as well. So with that in mind I, you know, that's just again just looking at and that's why I asked. I mean if 50 percent of that is wetlands and we want that to be office campus and I know that we say, well, you got to combine it with the other 120 or whatever, but, you know, sometimes I have a hard time forcing people to say, okay, you're going to have to combine that with the these are tough ones, you know, it's tough to say, okay, you got to combine that with the other 120 with your neighbors and --

DELEISSEGUES: (Inaudible).

WRISTON: -- it's, I know, it is. It's easy, you know, residential's easier because it's smaller and you can do better on smaller parcels, but with office campus, you know, if you leave it that way, they're going to have no choice, especially with those wetlands but to -- I mean they're going to be at the mercy of the other landowner so with that in mind I say NO. So it is a 2/3 and time for a break. Excuse me, 2/3 and one abstaining.

(Pause in proceedings.)

**PUBLIC HEARING ITEMS & PLANNING COMMISSION ACTION**, continued

**16. PZ2006-00009 NE 179<sup>th</sup> Street/Killian** The property owners are seeking to change the Comprehensive Plan and zoning designation for parcels 117770-000, 117780-000, 117790-000, 117795-000, 117820-000, 117830-000, 117840-000, 117850-000, 181905-000, 181930-000, 181937-000, 181957-000, 181963-000, and 181971-000 (47.76 acres) from Community Commercial and C-3 zone to General Commercial and CH zoning. The subject site is located in the 1300 – 1600 block of NE 179<sup>th</sup> Street on the north, NE 15<sup>th</sup> Avenue on the east, NE 173<sup>rd</sup> Street to the south, and Union Road on the west.

**Contact: Darci Rudzinski (360) 397-2375, Ext. 4434  
or e-mail: [annual.review@clark.wa.gov](mailto:annual.review@clark.wa.gov)**

WRISTON: All right. Call the Planning Commission hearing back to order. This is where we've switched from 14 to 16 so we're starting with 16, CPZ 2006-00009, NE 179th Street, Killian.

RUDZINSKI: Staff would like to introduce another policy issue that actually pertains to the last three annual review requests. The last three requests are for highway commercial designations and staff has found that these requests are at odds with the County's locational criteria for general commercial that states that this designation is applied to existing strip commercial areas as highway or limited commercial zoning and that it further states the extension of those areas is discouraged.

Going to case 00009 NE 179th Street, Killian, the applicant is requesting to change the comprehensive plan and zoning designation for approximately 43 acres from a community commercial designation and C-3 zone to a general commercial designation and highway commercial zone. The site is located at NE 179th Street. For some orientation, it lies east of Interstate 5 and NE 179th Street interchange, directly east of existing highway commercial uses that include a restaurant and recreational vehicle sales business. This site is largely undeveloped. The applicant has supplied uses that are currently on the site including -- information on uses including three single-family residences, two manufactured homes, numerous barns and sheds near 179th Street and outdoor storage and landscaping materials and rock products near Union Road. Land to the east of the site includes parcels that are subject to previous, excuse me, an annual review that the Planning Commission has heard previously, 00095, Berry Fairgrounds, which is a request to rezone low density urban residential R1-10 to urban medium residential R-18 and so that site lies to the east of this parcel.

Policy. The main policy with this request include more intensive commercial and retail uses on the site and the implications of that. Both the existing C-3 and the proposed CH zoning can allow many of the same large format commercial uses; however, in the C-3 zone most of these uses are required -- require a conditional use permit where they're allowed outright under the requested highway commercial zoning so staff has included just a sample, a comparison of some of those uses for the existing and

requesting zoning, it is a kind of excerpt from the current Unified Development Code. Due to the variety and intensity of uses allowed outright in the CH zone and the site size this has raised some issues about transportation impacts, concerns about transportation impacts that may result from the -- from approval of this request.

Staff did conduct a transportation impact analysis to calculate potential future trip generation. Basically because the similarity in uses whether allowed outright or conditional with the existing zoning versus the proposed traffic generation could be the same depending. What staff is recommending is because, again, the site size, the variety of uses that the County actually retain the condition, or retain the C-3 zoning which would allow for some flexibility and conditioning uses on the site versus allowing them outright with highway commercial.

Washington State Department of Transportation has also voiced concerns regarding the level-of-service at the I-5/NE 179th interchange. They did not submit comments as part of this proposal but have voiced concerns to the County previously. We do have a couple of comments received tonight, or excuse me, received for this application. The Southwest Clean Air Agency has submitted a letter to you, it's dated July 14th, and the applicant has also provided a memorandum dated July 19th, it's from Miller/Nash with responses to the staff report.

Just also mention about some of the topographic features on the site, there are large wetlands in the western half of the subject area. These wetlands may affect cross-circulation between Union Road and NE 15th Street. The applicant has also reported that there is an unmapped stream on the northwest portion of the property that was identified during an assessment of the area for the future NE 179th Street widening projects; however, staff's conclusion is that the proposed change in the comprehensive plan designation and zoning will not significantly affect development of this site, would not, the rezoning would not significantly affect development of this site and its impact on water bodies, surface water bodies.

Staff is recommending that the Planning Commission forward a recommendation of denial to the Board of County Commissioners for this request. Staff has found that the request cannot meet the comprehensive plan's locational criteria for general commercial. The comprehensive plan locational criteria states that the general commercial designation is applied to existing strip commercial areas as implemented through highway or limited commercial zoning and the 20-year plan strongly discourages this designation from being applied to new areas. In addition, because of the transportation issues in the vicinity of the subject site, this includes level-of-service on NE 179th Street, the level-of-service on the interchange with Interstate 5 and 179th and the nearby Salmon Creek moratorium area, staff is recommending that the County retain the C-3 zoning so that the County would have another tool to require site design solutions that can minimize impacts to the transportation system. And that concludes the staff report.

WRISTON: Okay. Thank you, Darci. Questions of Darci? I have one I guess. I mean



I think with this, I think this is a -- I know that was a little weird to say I guess, if I guess I get confused here because that I-5 and 179th is a very big interchange and I know it's got problems, but those problems are, you know, they have to be fixed or nothing happens there. And I mean we've got all kinds of, where is, you know, where is the appropriate zoning for CH if this isn't it? Do you follow what I'm saying? I mean where do we put it? This to me is where 179th, 134th, I mean the major, the major highway interchanges are where we would put it and staff, did staff consider that? I understand some of the -- I mean the topographical that's their problem, I understand some of these other things, but I'm curious where CH goes?

RUDZINSKI: If you'd like for me to try to answer that question --

WRISTON: You can try.

RUDZINSKI: Okay. The designation of land uses really is done during the comprehensive planning update process during your legislative process whereby you have criteria that you follow in order to site new designations for land use. This current or the requested designation from a policy standpoint there doesn't seem to be an allowance for designating new highway commercial anywhere and that's really the policy point that is stated in the staff report, because the way the policy is worded it's a recognition of existing areas and, again, areas that were designated such in the '94 plan but does not seem to promote the conversion of other land uses to highway commercial.

WRISTON: Okay.

RUPLEY: That's stupid.

WRISTON: Yeah, I thought --

RUPLEY: Sorry.

WRISTON: I'm glad you said that and I didn't but that's what I was thinking, but you did explain that and that's not your fault.

RUPLEY: Well, she has to do it with what she has, yeah.

WRISTON: You did explain that, I just -- it just this baffles me.

VARTANIAN: While we're on that topic then, on Page 13 I think of the staff report where you show the compliance with applicable criteria, A through D are all no's and yet if this would have remained highway, I'm sorry, community commercial C-3 are you saying they wouldn't be approval then either?

RUDZINSKI: The applicant --

VARTANIAN: I mean one of the arguments, one of the discussion points, excuse me, is that we should leave this as C-3 so that there's some conditional uses that might be put on or a Hearing Examiner will say yes or no, but it seems to me inconsistent that A through D are no here but if we leave it as C-3 all of that doesn't mean anything. Am I being at all lucid here?

WRISTON: Yeah.

VARTANIAN: Well, thank you. And the other --

RUDZINSKI: Staff --

RUPLEY: We know what you mean.

VARTANIAN: You know what I mean, thank you. And just to finish.

WRISTON: I think they're no's because it's being changed.

ALLEN: It's being changed.

VARTANIAN: Well, yeah, but if we didn't change it they would all be yes's and I'm sorry, I can't get my head around that, number one, but, number two, as I understand the problem with highway commercial is the either creation of extension of strip zones, strip malls, which I wholeheartedly agree with, but I'm not quite convinced or I'm not sure, have not heard from the applicant yet, that's what we're talking about putting in here and I'm wondering if there's not some way, and now probably this probably discussion should be taking place later, not now, to work around that because I'm in agreement, you know, with Commissioner Wriston that if you're not going to put highway commercial, you know, which is proximal to a highway there, granted there are road issues and all that stuff, but I'm sure we're not going to have a site plan without, you know, mitigating your roads, I don't know where we would put it. And I live in the neighborhood, I mean I don't know where I would put highway commercial, but I, without asking for some other give me's which according to something I read just recently the applicant may be considering.

RUDZINSKI: Well, and senior staff may correct me, but my understanding in attempting to answer some of these questions that came up from the Planning Commission in advance of this hearing regarding general commercial and when would it be appropriate to designate areas general commercial, that -- again that designation went back in 1994 when the comprehensive plan, you know, was evaluated and formulated as you have it today. There was in excess actually of highway commercial or at least that was the motivation for possibly this language in the comprehensive plan, there does not seem to be a need in order to promote the conversion of more in other words.

If circumstances have changed again, that's an appropriate question for a legislative look, a big comprehensive look of the need for certain land use types in the whole county, we're looking at an applicant, a site-specific request, and because of that there are certain criteria that need to be met, I mean all of the criterion that we've listed, and it is triggered by the request coming to the County, there's not really a necessity to evaluate the appropriateness of the existing zoning, it's more of the appropriateness of the requested zoning on a site-specific request like this.

DELEISSEGUES: You know, it looks to me like an appropriate use for 43 acres we're talking about here is greater than a bunch of stores that are 5,000-square feet. There's hardly anything permitted under C-3 if you look at it, general retailer, you know, 100,000-square feet is permitted.

WRISTON: They're all conditional I think.

DELEISSEGUES: No, it's permitted.

WRISTON: Right. No. But I'm just saying that a lot of the uses --

DELEISSEGUES: Yeah, or exempt or not permitted at all. You got a hardware store under 25,000 feet, it looks to me like the current zoning really would lead more to a strip mall or the exactly what we don't want there than if we went to the CH and were permitted to put in a bigger store and get away from the strip mall type thing with a bunch of little stores which are permitted under the current zoning. I just wondered if the County's took that into consideration, the littler stores might cause more of an impact on the site than one big store?

RUDZINSKI: Absolutely. And actually under C-3 then those impacts could be mitigated and that's staff's point, that under a conditional use the use may still be allowed, it certainly would be considered a possibility but under prescribed conditions and that's when the County has an opportunity to ensure that the transportation system and other factors are suitable.

WRISTON: But with all due respect that happens in site plan --

DELEISSEGUES: Sure, it would anyway.

WRISTON: -- as well and SEPA and --

RUDZINSKI: The County loses some of its ability to do that however.

WRISTON: Well, and it, yeah, but, okay. One other thing I'll add before, I think we're probably making all his arguments for him, he's like --

HORENSTEIN: In conclusion.

WRISTON: No. One other thing I'll --

RUPLEY: You don't need 15 minutes, do you?

WRISTON: -- add it's just that whether you guys have considered this or not because it's an interesting question on 179th which I am also familiar with in that, and maybe the applicant's probably going to make this argument as well, in that all the trips in that area and that growth that has happened in that area are now going down to 134th and so a highway commercial use like that or more in that area intersection problems aside could take -- alleviate some of the traffic off of 134th because that's where they're all going to do their shopping bit. With that I'll --

RUPLEY: Let the applicant talk.

WRISTON: Let the applicant talk. Well, these are questions, I wanted to kind of get staff's feeling of where they came from before we heard from the applicant so. Go ahead, Steve.

HORENSTEIN: Thank you, Mr. Chairman and members of the Commission, my name is Steve Horenstein representing the applicant, 500 East Broadway, Suite 400 in Vancouver is my address. With me tonight are Jerry Johnson of Johnson/Gardner who have very few comments to make on the market study and the market area generally. Julia Kuhn is here from Kittelson & Associates to answer questions rather than make a presentation on the traffic issues if you have questions, and the applicant George Killian is here as well tonight if you should have questions for him. I'd like to try to answer your question about if not here where, I would say this is probably the best spot. Next slide, please.

WRISTON: That's the wrong one, that's his --

HORENSTEIN: Yeah, that's the old one.

WRISTON: That's Schoen.

WRISTON: That was that last one, that's longer, you don't want that one.

HORENSTEIN: This is way shorter.

VARTANIAN: I still abstain.

RUPLEY: Howsley's gone but we still have to watch him.

HORENSTEIN: Let me see if I can do it faster.

DELEISSEGUES: You're getting close.

WRISTON: There it is.

HORENSTEIN: Good job. Let's go to the next slide, please. This -- the locational attributes of this site in our view are perfect for highway commercial and as we -- as I go along here you'll hear me disagree with staff on that it's limited view or her limited view of what can happen in a highway commercial zone, so I'll explain that a bit later, but here you have in the yellow is the property that is the subject of the application and you have a great deal of CH in the neighborhood, so talk about a commercial node. The Amphitheater is zoned CH, although I believe it may have a public facilities overlay, but we've lost that potential for CH so really we're just adding a similar amount back, and it is very adjacent to a very large CH node and it's right next to I-5 on an interchange, I can't think of a factual scenario that would be better than that. It has arterial access, it has interchange access. Let's roll through a couple of slides, please.

DELEISSEGUES: Excuse me, when you say it has interchange access is that off the frontage road?

HORENSTEIN: It would be off, probably off 179th. At more than 45 acres this is at best we can tell the largest undeveloped commercial site in Clark County so if you're going to, although there is no site plan, there are no tenants yet, but it is, at least that I'm aware of, but it's likely that this site would be because of its shape and its size very amenable to regional sized stores and medium sized stores as well as the smaller stores that you would get and again, where a better place to put that than on the freeway. If you think about traffic patterns do you want it five miles off the freeway where people have to -- it becomes a destination or do you want it on the freeway as people come and go to Battle Ground to the east to the west where Mr. Vartanian lives, why not have it right where people are going to go to and from. Don't you live to the west, Mr. Vartanian?

VARTANIAN: East.

HORENSTEIN: East, I'm sorry.

VARTANIAN: I'm wondering how you know where I live.

HORENSTEIN: Well, obviously I don't. In response to your comment about 134th and the northern area there, there is certainly a lack of commercial services in the northern portion of the county. We are not planning for any urban land in any nature at 219th, certainly in this round of GMA planning the Commissioners have been very clear about that. There is significant residential growth accompanied by substantial demand for commercial services in this area. As the east has filled up this has become one of the most rapidly growing areas in the community. Oh, that's good. It's an interesting area,

I mean if you think about we all focus on the moratorium and what we can't do there but think about what is there. You have WSU, you have the Amphitheater, you have the fairgrounds, you have the new hospital, you have all the medical that's developing around that hospital, but what we really don't have is a concentrated commercial retail and office center that can accommodate shoppers that are coming from all of those areas. Again I can't think of a better place to put it than on I-5 as those people come and go on and off the freeway.

The next slide, please. As I said, as I pointed out in looking at the map, the CH node at this interchange already exists, the rezone compensates for the CH property lost to the Amphitheater, that may not be our strongest argument, and the fairgrounds, but again, think about the amenities that might be useful to people attending conventions at the fairgrounds in that beautiful new building, people to go to and from the Amphitheater, maybe we could divert some traffic, hopefully there would be restaurants there, I mean it's going to be a large for Clark County commercial center with all kinds of services.

Let's talk about the issue of the strip mall. It's true that this provision was added to the comprehensive plan in -- and the zoning designation in 1994, but I'm not aware of any place, including in Clark County or any cities, where we added something to the zoning hierarchy and the comp plan hierarchy and said but you can't use it, it only applies to what's there. Why would you, why would we do that, that defies common sense. It's clearly that zone is the County intended the zone to do more than categorize existing strip commercial when it applied this highway commercial designation. Let's look at the language. "These commercial areas are intended to serve large areas of the county, the traveling public on the freeway and also to recognize areas of existing strip development," that doesn't take a lawyer to do the statutory construction on that, and also to recognize. Before that is "intended to serve large areas of the county," these areas are generally located at the interchanges and along State highways and Interstates.

"New commercial areas shall not contribute to additional strip development patterns," well, this is a very large 40-acre rectangular box of a piece of property and it's going to lend itself to regional stores and midsize stores and book stores and restaurants, it doesn't take a lot of imagination to figure out what might go there. "Uses allowed in this district may involve drive-in large space users," that is not consistent with strip, "outdoor sales," that certainly isn't consistent with strip, "wholesale activities like a Costco" but we have one of those, we're not going to get another one I'm sure, "repair services and other heavy commercial users," that's not what we have on 99, what we have is small users, C-3 users in strips all along the road, not big users. "This district is limited to the general commercial comprehensive plan designation" so it's got flexibility, it is certainly designed to address the strips but it's also designed to address large commercial slash retail development on freeways.

The next slide, please. Vacant properties at this very interchange, the Amphitheater site, were designated with the highway commercial zone in 1994. Think about that. If

this was just really limited to controlling strips and only strips why would that whole big area be designated highway commercial in the plan, it makes no sense, it's not logical. Similarly, vacant properties at the intersection of the Padden Parkway and Andresen with I-205 were designated a highway commercial zone and you last year you did approve a rezone to highway commercial there, so at least a year ago you all were seeing it as something that was limited to strips and something you couldn't use as a tool. This is where it belongs, on a freeway interchange. The scale of permitted uses fits the location and access to the highway system to which users may travel without sending trips to the east by Mr. Vartanian's house. It really is the only County zone that addresses large format development of a commercial nature.

The County rezoned two parcels to highway commercial as I said in last year's annual review cycle, the Kennedy property, 88th Street and Andresen Road and Hinton's property along SR-503, now you're going to hear one from Mr. Printz and one from me later this evening different, different because we're going from industrial to highway commercial with cooperation from you of course and that raises a whole set of issues that do not apply here. We don't have change in circumstance here because it's commercial to commercial, it's in ways it should be easier, an easier call. Staff referred to this I believe in the staff report as a new highway commercial area, it isn't that. Again this area at the interchange has been designated highway commercial since 1994.

DELEISSEGUES: Does that include the site you're talking about?

HORENSTEIN: No, that's been C-3, yeah. Let's go to the next slide, please. Commercial strips are usually -- according to the comprehensive plan Page 1-12 are usually backed by residential uses which increases the number of residential commercial conflicts unnecessarily. It is important to regulate strips, they get too long, you have in and out problems, you have access problems, you have conflicts with neighbors in the back, I mean Highway 99 is a perfect example of that, but that's a very long strip, this is a smaller square piece of property, rectangular piece of property. In contrast here the highway commercial area would be centered on the interchange and be bounded on all sides by public streets, no residential. Staff acknowledge in the staff report at Page 7 this is developing as a major center area.

Let's talk about the conditional uses. The -- in plain English the test for conditional use has to do with impact on the neighborhood, surrounding neighborhood, and impact on the community, conditional use, it's a test about the use, not about the site plan criteria which includes traffic, nothing about this site, nothing about having to get a conditional use gives the staff any more authority over traffic which seems to be the biggest issue than they already have because you have to get site plan approval along with a conditional use permit and use is driven from site plan criteria and site plan issues. Use is about what's going to happen on the property, site plan issues, including transportation, are about how can you build it, what kind of constraints are there, what kind of mitigation do you need to do, very important distinction I think here.

Some uses are permitted outright in the CH zone and are permitted conditionally in the CC zone, so staff is correct to say that there are some things we could do as long as we could get the conditional use permit, but some uses permitted in the CH zone like a Home Depot or a Lowe's, the kind of thing you want on the freeway, the kind of thing you see everywhere on the freeway, are prohibited in the CC zone so we never could, we could never do them. Some of those larger regional center type stores we could never do them.

And here may be one of the most important points, staff at the current planning level is very interested in master planning for commercial sites. You could look at Columbia Tech Center, you could look at Hazel Dell Towne Center about four or five miles down the road, a lot of pushing back on staff to really master plan this site, but you can't really do that if you need to get a conditional use for all or most of the major retailers that you might have in a center like this. It doesn't even work transactionally because, well, sure, we'd like to have you there, but we have to go through a whole conditional use process to know whether your use will be allowed before we could go through the site plan criteria and it makes this almost impossible to master plan the site because you don't -- you can't say I'm going to have a 50,000-square foot building here and an 80,000-square foot building here and I'm going to put the restaurants here and the smaller shops in the middle, you can't do that if you don't know without conditional use permits building-by-building in some cases whether that would work or not.

Again, no question that the property meets the locational criteria for the CH zone outlined in the code. Staff does acknowledge that the site would fit the CH purpose statement but again, only if the subject site were already zoned highway commercial. Well, that gets back to they're reading only half the ordinance, the other half says you can do this sort of thing. It's simply a waste of resources of both the applicants and the staff to require CUPs and public hearings which you have to have with a CUP for each use that might require that under the -- in the community commercial zone. And again, from a real estate and market perspective and community perspective it's just adding a whole lot of trouble that doesn't really give the staff any more control of the things they seem to be concerned about. With that I'd like to answer questions first or otherwise turn it over to Mr. Johnson.

RUPLEY: I have a question.

HORENSTEIN: Sure.

RUPLEY: On your map there does 15th Avenue, is that what that white break is in between the two parcels or what is that?

HORENSTEIN: Could we go back to that, that was the very first slide.

RUPLEY: I'm slow.



HORENSTEIN: I hope you were listening, though, all the time I was talking?

RUPLEY: Every word, Mr. Horenstein.

HORENSTEIN: Okay. Now where are you talking?

BARCA: It's all colored in.

RUPLEY: You're colored in there, if you look on ours there's 15th Avenue that's down below but that doesn't -- there's a little white spot in ours.

HORENSTEIN: Oh, yeah, I think that is 15th. Does anybody want to disagree with me?

MABREY: Yeah, that's 15th.

VARTANIAN: It's 15th. The white spot she's referring to was the yellow on the screen, it's yellow, 15th Avenue goes through it and that's it's white on the street.

HORENSTEIN: That's a County, current County project I believe; is that right, Mike?

MABREY: Yeah.

HORENSTEIN: Any others?

WRISTON: Any other questions of Steve or --

VARTANIAN: On 15th and 179th on the west side of 15th, I'm sorry, yeah, just on the east side of 15th, the maps that we have in our books there's a --

RUPLEY: It's an odd-shaped parcel.

VARTANIAN: -- white, there's an odd-shaped parcel, put your cursor somewhere, okay, right there.

RUPLEY: Right there, that spot.

VARTANIAN: That's white on our maps.

HORENSTEIN: I believe that's part of the site.

RUPLEY: Are you sure?

VARTANIAN: It's just that it doesn't look like it on the maps.

HORENSTEIN: It's part of the site, yeah.

RUPLEY: Okay. Now would you repeat everything you said.

HORENSTEIN: That's what I was afraid of.

WRISTON: Okay. Are we ready?

JOHNSON: We'll see if we can get back up again. Just for the record again my name is Jerry Johnson with Johnson/Gardner and we're going to talk a little bit about the need analysis we completed, I don't know if this is a point of contention or not but I think we'll review this again quickly. First of all Clark County obviously is an area of growth in northern Clark County, very much an area of growth. We ran our numbers based on an annual pace of growth of 1.9 percent which was based on the County's GMA estimate which we consider to be remarkably conservative and probably not reflective of much, but nonetheless we ran that with 1.9 percent, the existing trade area of population shows a need to support this currently and that need growing over time even with the build-out of the remaining parcels. Oh, this didn't work out very well. All right. Oh, this is transparent in mine the trade area.

We took a look at a trade area that roughly ran from Woodland and down to about north, a little, it's south of NE 78th on the south and ran and took in some of Battle Ground, really things that allow -- that were allowed to serve because of our I-5 access, a pretty broad regional trade area, within that area we identified about 2.7 million square feet of existing retail space and inventory of 6 high value locations with about 114 acres of property within that area. Taking a look at future capacity, and this map it's sort of tough to tell because they're sort of small relatively the overall area, the subject area is where the brighter yellow -- do you have a laser here. There it is, yeah. All right. You got the subject site here, we've got some remaining high value zoned CH commercial, strange enough on freeway interchanges they've got CH commercial, we've got some other high value commercial out here in Battle Ground and that's really about it.

DELEISSEGUES: The only way we're going to see that is if he --

RUPLEY: We didn't see your laser.

DELEISSEGUES: -- helps point it out on the screen because --

JOHNSON: Oh, sorry. Yeah, mine's not going to work for you.

RUPLEY: That's all right.

BARCA: That was for the viewing audience, Dick.

JOHNSON: Sorry. Right. Yes, that's our, that's our site. These are the ones with the highway commercial sites here and here that are vacant up in Woodland and then there's a few out here in Battle Ground, the Battle Ground sites haven't looked at these, there's a lot of wetland issues with a lot of these as well, we didn't get into the wetlands, that's not our thing, but nonetheless even assuming build-out of these sites we see -- still see a pretty strong residual demand for this and that there's more than adequate retail demand to support development of this site in the more intensive uses that we're really not adding that new commercial to begin with because we're just adding commercial with a slightly different flavor to it that allows us to take advantage of the fact that we're on a freeway interchange.

Take a look at the reconciliation and we see an existing deficit of demand relative to supply or the addition of the site is the orange portion of that graph that addresses some of it, not a lot of it, but does do something to help move the supply a little bit more consistent with the demand, and again, this is assuming all the vacant retail land can be build-out as retail which is a fairly heroic assumption particularly in when you're down to the last 20 percent of your retail land there's a reason it's still there typically and it's not that it's the best property.

So in conclusion we see that if more lands not designated for retail and regional commercial use and the local population average household income continues to grow at the projected pace, and again I think the pace is probably too conservative, we expect area residents to see an increasing share of their incomes further from home, this increases their ability to spend their income, get -- fill their retail needs closer to their households, probably lowered transit miles and benefit for the economy locally as far as bringing the jobs and I think it also helps Clark County appeal to the north a little bit better, better entry coming in from a retail perspective. And that's it for the need piece.

HORENSTEIN: And that concludes our presentation.

WRISTON: Okay. Questions?

HORENSTEIN: And we have our traffic engineer here if you have traffic questions.

JOHNSON: Yes, we have traffic.

WRISTON: Ron, did you have --

BARCA: Well, I think I would like to at least have the traffic engineer come up because part of my thought process on this right now is the existing problems that develop during rush hour now in that interchange and the aspect of the Amphitheater's use and the emphasis that the County has put on making the Amphitheater's traffic pattern viable during the performance periods and what that would do to the type of development that you're proposing as opposed to the C-3 designation style of

development, I'm interested in hearing what the differences would be.

KUHN: Good evening. My name is Julia Kuhn, I am with Kittelson, a principal engineer with Kittelson & Associates, our address is 610 SW Alder, Suite 700 in Portland 97205. We actually looked at a variety of comparisons of what's allowed under the existing zoning versus the proposed zoning and I think you probably have in your packet a memo from us from January of 2006, but basically our conclusion was that the uses that are permitted under the existing zoning and those permitted in the proposed zoning are pretty much identical in their traffic impacts with a couple of very limited exceptions, those would be event facilities over 50,000-square feet and our theory on this is that given that the Amphitheater is right next to this the likelihood of getting an event facility is pretty low. Regardless, like any application you would have to demonstrate compliance with the County's concurrency if some type of use like this were proposed and regardless of what kind of use period you would have to demonstrate compliance with concurrency and so if that use were ever proposed, you would have to demonstrate that this doesn't adequately accommodate it.

There's also some things, drive-in theaters, stadium and arena facilities are also proposed or allowed that aren't allowed under the existing zoning and those have pretty low trip rates when you look at some of the uses that are allowed like shopping center and some of the other higher trip generating uses allowed under both the existing and proposed zoning, and then distribution facilities of 25 to 50,000-square feet are allowed under the proposed zoning which aren't allowed under the existing zoning and again, those have a much lower trip generation potential than many of the uses that are allowed under the existing zoning.

So our conclusion was that this from a traffic standpoint would not adversely affect the system, the proposal to rezone would not adversely affect the system when you're looking at the existing zoning and at any time when we were going through site plan review, we would need to address adequacy of services regardless of what the zoning is on the property. I don't know if that helps.

BARCA: I think that's fairly concise in the aspect as you see it there would be no impact, no changes so.

KUHN: We have a pretty detailed table in that memo if you can find it, I'm not sure, yeah, exactly.

BARCA: Yeah. So with regard to the current conditions and the way that the Amphitheater works, the adequacy of the interchange at this point in time without any development there --

KUHN: There are definitely issues associated with the existing interchange that are very obvious, but at the time of site plan whoever the applicants is will have to actually demonstrate how the facilities can be shown to be adequate to accommodate whatever

is proposed on this property, but what we're showing is that there's really -- it's a wash when you look at existing versus proposed (inaudible).

BARCA: So there's no weight to one zoning designation versus another?

KUHN: Exactly, yeah.

BARCA: Okay, that was my question.

DELEISSEGUES: I guess WSDOT's concerned about the timing of the development that they recommend in their letter not to develop it at all and keep it in urban holding until after the interchange improvements are made, is that consistent with your plans?

HORENSTEIN: It's not in urban holding, it's --

DELEISSEGUES: They seem to think it is.

HORENSTEIN: Well, they're wrong.

DELEISSEGUES: It isn't, that's, okay.

HORENSTEIN: No. It's in the boundary and it was brought in in '94 I believe. Of course I'm not positive whether it was '94 or 2004.

VARTANIAN: No, it's '94.

HORENSTEIN: '94. So it's never had the opportunity to be part of the urban holding designation.

DELEISSEGUES: Well, the letter's dated May 2nd, 2005 so it's kind of out of date anyway, but their whole point in the letter is to maintain it in urban holding and you say it never has been in?

HORENSTEIN: Correct.

DELEISSEGUES: Okay. Thank you.

ALLEN: Did staff have something to say about that?

MABREY: Yeah. That letter was related to a different proposal, it was in the same area and that was just to indicate that they did have some concern about the capacity at 179th Street and I-5 --

DELEISSEGUES: It was a red herring.

MABREY: -- for the property across the road and that it in -- pretty clear in looking at urban holding that that interchange is going to be in failure with release of urban holding properties so their recommendation was that kind of everything hold still until the 219th interchange is built to relieve some of that congestion here.

RUDZINSKI: Yeah. Staff addressed this under Policy 5.3.6 on Page 8. That policy is the County will protect the public's investments in existing and planned freeway and separated grade interchanges and in referencing that letter staff has said although this proposal is not within the urban holding area, it does have the potential to implement the level-of-service for the interchange. In addition this property is adjacent to the Salmon Creek moratorium area and we've brought up those transportation issues because, again, the level of analysis that staff has done in the transportation impact analysis really gives us a scenario, gives us an opportunity to compare existing versus proposed land use from the standpoint of the impacts that it might have on transportation.

If you look at the transportation impact analysis the attachment the trip generation matrix that staff put together, we took the existing land use and the applicant provided us with a couple of scenarios, again reasonable scenarios, with what proposed development might look like under CH, we're still looking at, you know, a substantial amount of trips under either scenario, staff agrees with that. We still have concerns about transportation impacts under either scenario in this area. The benefit of retaining the C-3 zoning is that the County does have an ability to condition those uses, some of those uses. It's true that you would still have that opportunity at site plan review to mitigate impacts, but you no longer have the decision of whether or not this is a suitable site for increased intensity of commercial uses, so staff is really looking at it from the comprehensive plan perspective which is is this an appropriate area, can this area really sustain more intensive uses.

As kind of a follow up to that, staff also would like to direct the Planning Commission to the language of the comprehensive plan talking about general commercial. The applicant has provided a slide that looked at the implementing CH zone, general commercial can be implemented either by CH or by limited commercial and if you look at the language of the comprehensive plan, I will tell you what page it's on, on Page 9 of the staff report, it says the 20-year plan strongly discourages additional strip commercial, well, it says strip commercial but it says it's implemented by highway or limited commercial so staff has inferred that to mean the implementing zone is also discouraged to apply to new areas so.

HORENSTEIN: I have a question of staff if I might. I'm not aware that we received a WDOT letter on this project; is that correct?

DELEISSEGUES: No.

RUDZINSKI: That's correct.

HORENSTEIN: Thank you.

WRISTON: Without getting into your, too much into your trade secrets, it's amazing that the amount of detail that you have in your report on, where do you -- I mean with your high value, your existing, you know, the low value vacant lots and things like that, where do you get that information?

JOHNSON: We figured you could get them from the County.

WRISTON: Is that where you got it from?

JOHNSON: It's the County's GIS system.

WRISTON: Through the County's GIS system?

JOHNSON: Yeah. It would be a lot of work, it would be beyond our budget.

WRISTON: Well, I would say actually the reason why I was asking was I wondered whether you had something better than the County in terms of vacant buildable analysis?

JOHNSON: No. You know what we do with the County, the County's has gotten better over time, but it's just like METRO's but then (inaudible).

WRISTON: And when you have land value here is that coming off of the Assessor's Office?

JOHNSON: This is for the high value sites?

WRISTON: Well, I'm just looking at, you know, you got high value, low value, you mean you have land value and I mean is that from the Assessor's Office or is that --

JOHNSON: There's actually a determination the County made on high value sites and we took a look, we actually go out and take a look at these just to confirm, I mean some of these they look a little wet, but I don't do wetland delineations so.

WRISTON: So you actually put a dollar value on these land values, where does that come from? Like if you look, if you just turn to the very last page, you know, there's low value vacant lands. Fred Meyer for instance in Battle Ground it has a dollar value 776,500, 3.3 acres, where does that come -- those numbers come from? I just --

JOHNSON: This is in the --

WRISTON: I'm curious if that's the Assessor's or if it's a per acre or how that, more out

of curiosity.

JOHNSON: Oh, it's in the County database so it probably is Assessor on there as well so. My GIS person is here.

WRISTON: Okay. So it is when you have it --

JOHNSON: I don't know how to run it I just --

WRISTON: Is it per acre or do you not know?

AUDIENCE: It doesn't say, it just --

WRISTON: It just comes off of the County's, okay. It just seemed like there was this huge discrepancy between and I was trying to figure out the, okay, thank you. A very detailed report, that's why I was --

DELEISSEGUES: So the main issue in the request for the zone change is to not go through the conditional use permit requirement, does that sum it up?

HORENSTEIN: Almost. The site lends itself to the kind of uses that are allowed outright in the highway commercial zone, we could do a better job of master planning it if we don't have to CUP a good number of the buildings on the site, you can't do a master plan if you don't know whether the use is allowed or not, it just seems more efficient for current planning staff and for the applicant the cost would be less and frankly lends itself better to those kinds of uses, better here than somewhere else.

DELEISSEGUES: Okay. Thank you.

HORENSTEIN: You bet.

VARTANIAN: I have a number of comments or questions I guess. I'm not quite sure I have the same interpretation as you have for CH being excluded because strip is excluded. Given the configuration, and maybe I'm asking a question not appropriate, but if I had a feel for the kind of development we're talking about, I'd probably feel a little bit better. In the submittals there's a letter from Lance Killian with a spreadsheet on it that sort of laid out the kinds of things, is that basically the kind of thing we're talking about, the kind of development we're talking about?

HORENSTEIN: On a conceptual level I would say yes.

VARTANIAN: Yeah. Well, and I probably shouldn't be saying this, but being in the neighborhood and I know how people feel, you know, there are some big box discount stores we would not like to see and we absolutely agree that it's a good shopping area, I mean it's right off the highway, it makes a lot of sense, I don't think we should exclude



it simply because we're afraid of a strip mall because I don't think that's what the intent is here, I think it's a for lack of a better example maybe Bridgeport Village down in, where is it, Tualatin or wherever it is.

HORENSTEIN: That's an excellent example.

VARTANIAN: Is that the kind of thing we're talking about?

HORENSTEIN: Yeah.

JOHNSON: But then looking at life-style center and Bridgeport Village is the only life-style center.

VARTANIAN: Yeah, that's kind of an interesting term, life-style.

JOHNSON: Or Streets at Tanasbourne are really the only two life-style centers that the Portland metro area has.

HORENSTEIN: But this is large enough, a large enough piece for a small life-style center.

VARTANIAN: Yeah. Well, I mean if we could get some comfort that we're talking about, and maybe, you know, this gets into negotiations, but I mean I would rather give -- I would rather have assurances of certain kinds of stores not going in rather than and rather than having it for conditional use permits later.

HORENSTEIN: I appreciate that and I think that's fair.

VARTANIAN: And I think the applicant has made a couple of concessions and offers along those lines.

HORENSTEIN: Yes. And one thing you did last year was extract a condition that there would be no Wal-Mart for example on that --

VARTANIAN: Yes, that's one of the things I was looking at.

HORENSTEIN: Right. And we would provide you with that same covenant here.

RUPLEY: Thanks a lot.

VARTANIAN: I mean that kind of thing, if we could get some, I can show you eight, if we can get some assurances that these kinds of things would not happen, I would happily give up --

HORENSTEIN: Is there something other than the big W?

VARTANIAN: Oh, I haven't, you know, I'm sorry.

DELEISSEGUES: But it's really not in our purview though.

VARTANIAN: Yeah, it's not.

WRISTON: Yeah, I was just going to say I, you know, let's not go through them.

VARTANIAN: Okay. I'm not looking, yeah, I'm not looking for negotiations.

RUPLEY: Can I put in a request for Bombay?

HORENSTEIN: You want one or you don't want one?

RUPLEY: Yeah, I do.

HORENSTEIN: I'll pass it along.

RUPLEY: Thanks.

VARTANIAN: Yeah, and again, that's not why we're here, that's not why we're here, but if the applicant is prepared to make some concessions, concomitant agreements, whatever.

HORENSTEIN: I think most of you, not all of you, are familiar with the kinds of developments this particular applicant does, they're first class, there's not a Wal-Mart among them, that's for sure, and I think not all clients I have could I say that about, but this one I could clearly say that about.

WRISTON: Poor Wal-Mart.

RUPLEY: No.

VARTANIAN: Well, there's nothing wrong with them but they're --

WRISTON: They're taking a beating.

RUPLEY: They deserve it.

VARTANIAN: -- all over. I guess I just, counsel has seems to have left, I guess I don't really know how to proceed if -- I mean we're not ready to proceed anyway, but I mean how does one go forward from --

WRISTON: Well, and I think you've made your comment, I think you've made your

comment known, and in your motion or in your discussion or whatever you can make it known again. I agree with Dick, I'm not sure it's in our purview to sit here and say --

RUPLEY: Do you want a motion?

HORENSTEIN: But what I can commit to, though, if I might, Mr. Chairman, and I can commit to it without even asking because I see this particular applicant do it all the time is to work with the neighborhood early from the very beginning. The curious thing about retail commercial sites or sites that are primarily retail like this would be is you can't tie down a tenant until you're properly zoned, they just won't talk to you, and that's not necessarily true of other kinds of development, but it is clearly true of large retailers and medium sized retailers. So what I can commit to you is that we would begin to working with the neighborhood very early. Once we begin to have a real site plan laid out, we would begin to talk to you about it and seek your input and that's a commitment you can count on.

VARTANIAN: Thank you.

WRISTON: That sounds good to me. Any others questions or comments?

BARCA: Well, I have a question for staff just to refresh my memory on this, it seems that this property came before us I say rather recently but after so many years on the Planning Commission it all kind of runs together about this property being in nonconforming use and we voted this particular land use zoning into effect to put it into conforming use of the existing zoning and I don't see a particular problem about us re-addressing it, but I think it is the primary reason that it is in this particular zoning as opposed to highway commercial that is surrounding the interchange now, I know there's nobody in staff here that was here when I was here doing this, it's just so bizarre anyway.

VARTANIAN: May I ask a question, Ron? Is that this property or are you talking about where Poulsbo and the rock place are?

BARCA: Poulsbo and --

HORENSTEIN: Jollie's perhaps.

VARTANIAN: The rock place.

BARCA: -- Jollie's.

HORENSTEIN: We're just east of all of that.

BARCA: Right. But I believe this property, and I could be wrong, but I believe this property was done at the same time.

MABREY: No, it was just Poulsbo and Jollie's and that was just two years, maybe two, three years ago.

ALLEN: And that's west of this particular site?

MABREY: Yes.

BARCA: And so we know that, that those particular parcels are not part of this request and they're going to remain in their current zoning; right?

RUDZINSKI: That's correct, they're currently highway commercial.

BARCA: Right.

ALLEN: You know, is this all one legal lot or were there several different lots that were combined in ownerships that were combined in order to create this particular configuration?

HORENSTEIN: I believe it's an assemblage of property with not --

ALLEN: An assemblage?

HORENSTEIN: I mean a number of -- in this case not a lot of owners but there's more than one owner that --

ALLEN: Yeah. Because the way I see it, the way I'm looking at it, you know, I mean a portion of it is adjacent to the highway but the remainder is not and if it's not in the same ownership and if it's not part of the same legal lot, you know, how can you call that as the adjacent to the highway?

HORENSTEIN: Oh, I'm sorry, I didn't fully understand your question, the applicant has it all under contract.

ALLEN: Under contract or within the same ownership?

HORENSTEIN: The applicant is under contract with two or three owners --

ALLEN: To purchase?

HORENSTEIN: -- to purchase and condition of course is getting the land use approvals.

ALLEN: So therefore this is not one legal lot --

HORENSTEIN: No. Oh, no, no.

ALLEN: -- but many different lots?

HORENSTEIN: Yes. Yeah.

RUDZINSKI: The summary information, the general information is on Page 3 of the staff report and there are several parcel numbers and it looks to be five, six owners, five owners, those are listed, the property owners are listed.

ALLEN: Okay. Sometimes you can have the Assessor parcel numbers just for the assessment purposes --

HORENSTEIN: That is correct.

ALLEN: -- but, you know, I was looking at the legal lot configuration versus, you know, an agglomeration of all the parcels that are taxed.

HORENSTEIN: There are a number of legal lots, that's actually useful to a commercial development or an office development where you're going to have different buildings and you may want to finance them just particular buildings with a legal description, it helps to adjust boundary lines to create pads in different places than just the natural configuration of the legal lots might show so.

ALLEN: So if the zone change doesn't go through, then of course, you know, the purchase probably won't go through either?

HORENSTEIN: I can't tell you that, I don't know. I was not involved in the transaction.

ALLEN: And I was trying to figure out what the legal lot configuration was that was adjacent to the highway in order to go under the visibility from the highway theory.

WRISTON: But to be highway commercial I don't think you have to be right up against the highway.

JOHNSON: I believe, yeah, all the portions to the east are visible from the highway.

ALLEN: But you have to be adjacent to it.

HORENSTEIN: No, you don't.

ALLEN: You don't?

HORENSTEIN: The code doesn't require that.

ALLEN: So you can have like a big strip that is not part of highway commercial and then right next to it you can have or skip over several lots and call that highway commercial?

HORENSTEIN: Theoretically.

ALLEN: Is that correct, staff?

RUDZINSKI: Yes, that's correct. The configuration of the commercial site under either the existing or the proposed is going to come really during site plan review and the County doesn't have specific design requirements that would either prohibit or incentivize not stripping it out if you will so it --

ALLEN: Okay. Thank you. That makes sense.

WRISTON: But in this case it's highway commercial all the way?

RUDZINSKI: Correct. The designation doesn't change. The character of the commercial may be very similar under either zoning quite frankly.

WRISTON: Okay. If there's no further questions, we didn't open it up to public testimony yet so believe it or not. Is there anyone that wishes to testify on this besides these, besides the applicant? Okay. I figured that but I just I thought I better ask. All right. With that, unless you guys have any other questions of the applicant I'm going to close public testimony and return to the Planning Commission. And, staff, do you want to -- you're looking at me like you want a moment to --

### **RETURN TO PLANNING COMMISSION**

RUDZINSKI: No.

WRISTON: No?

RUDZINSKI: No. Until further comments.

WRISTON: Wishes of the Planning Commission? Comments?

DELEISSEGUES: A comment is --

WRISTON: Deliberations? Motion?

DELEISSEGUES: Jeff.

WRISTON: Yes.

DELEISSEGUES: Mr. Chair.

WRISTON: Yes.

DELEISSEGUES: I tend to agree with your original statement that if this isn't highway commercial I don't know what would be.

RUPLEY: Are you making a motion?

DELEISSEGUES: Do you want to make a motion, Jada?

RUPLEY: No, I was waiting for you.

WRISTON: So make a **motion**.

ALLEN: May I make a comment before you make a **motion**, you know. It was pointed out by all the speakers the existing C-3 zone allows many of the same uses as those allowed under CH and except for the comments that some of the uses that were not allowed, for example that event facilities and one of the speakers had mentioned that that's not what they would have to, that's not what they would want to do because there is a fairgrounds across the way, I just don't really see what would be prohibited under C-3 versus CH that would justify this particular motion other than that as the applicant's representative had mentioned that it was the cost of the CUP or the conditional use permit review process that would mitigate some of the negative impacts and/or some of the site-specific problems, and if that is the case then I can see that if we allow this to go forth that we would have a lot of other stakeholders up and down this particular highway coming to us and saying, hey, listen, I want to save on my CUP costs and therefore I want to change it from whatever I'm at to CH and I have a little bit of a concern about that because the CUP process is there for a reason.

And, yes, it may be easier to plan for something in a CH on a big scale, but I think even though you're saying that the neighborhood associations would be contacted, there's really no way to assure that the process of public input would be ascertained if you don't have the CUP process. And I understand that you're sincere about it today, but if the property changes hands tomorrow there's really no concomitant agreement nor anything else that goes along with this saying that this particular site will be as if it was within the CUP except without a CUP process because we want to save the money for our applicants. So I'm really concerned that if we approve this they would open up floodgates for other folks that would like to save money on the CUP process. Whether it's good or not, that's another story, but I think that the CUP process is there for a reason, to mitigate some of the negative impacts.

DELEISSEGUES: What motion are you referring to?

ALLEN: Well, this particular proposal, let's put it that way.

WRISTON: I guess I'd just --

RUPLEY: I'd like to make a motion. Can I or do you want to talk?

WRISTON: You can make a motion and I'll save my talking for -- I was just going to --

RUPLEY: Because we can still have discussion.

WRISTON: Sure. Go ahead and make a motion, although -- go ahead and make a motion, please.

RUPLEY: I have to go to work tomorrow.

WRISTON: Please make a motion.

BARCA: Unlike some people.

RUPLEY: Yeah. I would like to make a **motion** that we accept the request of the applicant to change the zoning from community commercial C-3 to general commercial CH. And then I'd like to make a general comment that under the CH in honor of Lonnie Moss is that maybe they'll look at a farm equipment and implement dealer and a hay, grain and feed store so we can support agriculture in this county, how's that.

BARCA: That's the kind of upscale development I think I heard in the proposal.

WRISTON: Is there a second?

DELEISSEGUES: I'll **second, I'll second the first part of it.**

RUPLEY: And skip the second, that's right.

WRISTON: All right.

BARCA: All right, Jeff.

WRISTON: Further discussion?

RUPLEY: Now you can talk.

WRISTON: No, I was just going -- I'm just going to make a comment on that if people up and down the highway at major interchange, at major interchanges wanted to go and try to get highway commercial, I think they should. The CUP process to me is not just a part of money, I've been through many CUP processes, it's not just about the money, it's a real pain and that the impacts being mitigated, I mean when we put



highway commercial where we put it, that's why we make permitted uses and that's why they're located there near the highway is to be permitted uses, you open up the doors for CUPs and, you know, again it's not just the money, you're going to have all kinds of who knows, you know, all kinds of things that happen during CUP processes, they go completely sideways. So I guess I could just one last point. I mean if we took that rationale we might as well make everything a CUP and not have any permitted uses so. All right. Roll call, please.

### **ROLL CALL VOTE**

BARCA: I am going to vote AYE because I believe the aspect of predicability and having people understand what can and can't be done is a better way to run a government.

ALLEN: NO

VARTANIAN: AYE because I agree with Mr. Barca, Commissioner Barca, I know the applicant, I've had opportunity to work with him before and I know he's willing to discuss what to put in and what not to put in.

RUPLEY: AYE

DELEISSEGUES: AYE

WRISTON: AYE

WRISTON: So motion carries, what do we got, 5 to 1, pass on to the Commissioners with staff's recommendation and, or excuse me, with -- thank you.

VARTANIAN: Contrary to staff's recommendation.

WRISTON: It's getting late. With approval and without staff's recommendation. All right. How are you doing? One more? See who it is.

PRINTZ: I got these guys yelling to me to go faster.

HOLLEY: Well, don't listen to them.

PRINTZ: Well, it's not really an option in this proceeding.

WRISTON: I take it you're going to be Commerce Park?

PRINTZ: No.

WRISTON: Or excuse me.

PRINTZ: 88th.

WRISTON: Okay. You're 88th.

VARTANIAN: What's the number?

WRISTION: Okay. Number 15.

DELEISSEGUES: 00013.

PRINTZ: Yeah, Mr. Howsley was an hour and 15 and Mr. Horenstein was an hour and 14, just so you know, I'm going to try to be less than that.

WRISTON: Okay.

PRINTZ: And actually I mean staff sort of gave you some of the policy issues for CG and if they can make their staff report a little shorter that may enable me to be a little bit shorter so I will --

RUPLEY: And why don't you tell us to do less conversation too.

PRINTZ: I will do my best.

WRISTON: We are at CPZ2006-00013, NE 88th Street, Darci.

**PUBLIC HEARING ITEMS & PLANNING COMMISSION ACTION**, continued

- 17. CPZ2006-00013 NE 88<sup>th</sup> Street** The property owner is seeking to change the Comprehensive Plan and zoning designation for a 5.35 acre portion of three parcels, 106124-000, 106128-005, and 106136-000 (totaling 11.95 acres) from Light Industrial and ML zoning to General Commercial and CH zoning. The subject site is located south of NE 88<sup>th</sup> Street at the southwest corner of NE 64<sup>th</sup> Avenue and NE 87th Street.  
**Contact: Darci Rudzinski (360) 397-2375, Ext. 4434**  
**or e-mail: [annual.review@clark.wa.gov](mailto:annual.review@clark.wa.gov)**

RUDZINSKI: All right. The property owner is requesting to change the comprehensive plan and zoning designation for a 5.35 acre portion of three parcels from a light industrial designation with ML zoning to a general commercial designation and highway commercial zoning. The site is south of NE 88th Street, west of the I-205 interchange. The applicant proposes to create a 5.35 acre lot from a portion of three subject parcels, so they are looking at a future lot line adjustment, and to rezone just the 5.35 acres to highway commercial. That portion of the site is currently vacant. The portion to the north fronting NE 88th Street is developed with an industrial use, that's United Pipe, and an existing single-family residence and the remainder of the site is basically underutilized somewhat, used for storage from our site visit.

For orientation, to the east is Costco, to the west is an industrial site currently used for truck and RV storage. The predominant policy issues as discussed previously is the County no net loss employment, no net loss for employment land policy. Also we've discussed the general commercial designation and staff's finding that this is a designation that's to be applied to existing commercial, strip commercial areas implemented either with highway or limited commercial zoning. Again, the 20-year plan strongly discourages additional strip commercial, highway or limited commercial base zones being applied to new areas or extending existing strip commercial areas.

Transportation is also an issue in this area. The parcels are accessed by NE 64th Avenue and Andresen Road via the Costco property. The transportation issues concerning the proposed highway commercial zoning include impacts to Andresen Road and Padden Parkway. The NE 88th Street neighborhood circulation plan identifies a need for a public north/south street, NE 64th Avenue, through this property as the south leg of an existing signalized intersection on NE 88th Street. The adopted plan also includes the extension of NE 88th Street to the west property line which will need to be shown as part of any future development plan. Staff report also brings up that the subject property lies within the Barberton focus public investment area. The public investment in this area is intended to facilitate industrial job growth, increases to trip generation through the approved approval of additional commercial uses in this area have the potential to impact the planned transportation system by utilizing capacity otherwise available to the industrial based employment areas.

Staff did do a -- prepared a transportation impact analysis to calculate potential future traffic generation from that would result from the approval of the highway commercial zone. The transportation impact analysis found that because of the large difference in potential trip generation, and the difference is approximately well over 2,000, 2,457 more daily trips than what industrial uses could generate on the site, staff has concluded that the level-of-service on NE 88th Street and on Andresen Road may be impacted by granting this zoning, the highway commercial zoning. It's very likely that the proposed land use change will impact the transportation system because of the number of trips, but that these impacts alone will not reduce the level-of-service on the affected intersections below a Level-of-Service D. The transportation impact analysis also found that the intersection of Andresen and the Padden Parkway is at risk of failure and can only be improved with the planned grade separated interchange.

Staff recommendation is that the Planning Commission forward a recommendation of denial to the Board of County Commissioners. The County Economic Development policies do not allow the conversion of industrial land to non-employment center districts outside the ten-year update to the growth management plan unless equivalent acreage within an existing UGA is designated industrial or employment center. The parcel, subject parcel is not currently being considered for redesignation as part of the current update, nor has the applicant provided information regarding equivalent acreage that could be redesignated to offset the loss of employment land off this site if the requested CH zoning is granted. Staff has found that the County no net loss policy

has not been met. Staff has further found that the request cannot meet the comprehensive plans locational criteria for general commercial as we've discussed earlier this evening. And finally, as explored in the County's transportation impact analysis granting the requested CH zoning is anticipated to impact the transportation system, the subject area does lie within the Barberton focus public investment area and maintain transportation system capacity for future industrial jobs is an important County objective. And that concludes our staff report.

WRISTON: Okay, thank you, Darci. Questions?

PRINTZ: Mr. Horenstein I believe has a question for you.

HORENSTEIN: Just a procedural question, I don't know if you have an 11:00 rule or not, but we have people here for the last hearing, are you planning to get to that tonight?

WRISTON: Yeah, I think we're going to try to get through --

RUPLEY: The lights don't go out here.

WRISTON: Steve, quite often we do but our docket is so full right now I think we're going to have to try to get through the next two so --

HORENSTEIN: That's great.

WRISTON: -- I appreciate you asking that.

HORENSTEIN: Thank you.

RUPLEY: Now was that for you, Randy, that he wanted to ask that or was that for us?

PRINTZ: No, he asked me and I wanted to --

WRISTON: Hence the reason why we're going to change our protocol, though, at some point in the future.

PRINTZ: Change the criteria then too.

WRISTON: Yeah. Well, we will.

PRINTZ: I mean in all seriousness. Okay. Randy Printz, 805 Broadway, I'm here on behalf of the applicant.

WRISTON: You got it there.

PRINTZ: Randy Printz, 805 Broadway. Number one, in the materials that you guys have there's an extensive narrative, there's a transportation analysis, there's a needs analysis and comparative economic analysis, all of which you guys I'm sure have looked at. The first question is why are we here and what are we doing. I don't know if -- do you have this to where you can point to something up there that they can see, yeah, that would be great. What we're actually doing, and I can do this from here which you won't be able to see but you will when he follows my pointer, this area right in here, this square, is the five acres that we are seeking to rezone and the reason, there are a variety of reasons for that and if you look at the aerial you'll see that all of this area down in here is wet, what we're going to do is boundary line adjust, yeah. This stuff down in the south portion of all this is wet. In fact when we did Costco this is the storm and wetlands mitigation over in here and this is all wet, what's left is just this stuff in the middle and maybe some stuff up in here.

This property has been ML since 1979, '79, it has been here for 25 years as vacant industrial land. Some of you were on the PC a year ago when we did the piece right here and this Commission as well as the Board identified this as part of this burgeoning and commercial node with the Costco and Home Depot and all this stuff and found that it was appropriate to redesignate that from industrial to commercial. Many of the issues that were with that are the same as this, certainly the policy issues are very much the same.

DELEISSEGUES: Excuse me just a minute, do you know how the County Commissioners, have they --

PRINTZ: They unanimously approved it.

DELEISSEGUES: They did?

PRINTZ: Yes, they did.

DELEISSEGUES: Okay. Thank you.

PRINTZ: As did you guys. Staff recommended denial.

DELEISSEGUES: I know we did, I just wondered what they did with it.

PRINTZ: No, they unanimously approved it. They have been continually marketing this for 25 years, it's remained vacant, nobody wants it as industrial. This piece is not on the fringe, this is not one of those pieces where it was zoned or designated through the comp plan for industrial development, sometime in the 20-year planning horizon and it is easy to say, well, development hasn't yet reached it and so we don't want to change it today because the market simply isn't there yet but it will be within the planning horizon. The planning horizon started here in 1979. The UGA is far, far away from this to the north. This piece has been passed over time and time again for

industrial development in favor of other parcels that are out there. The County as you know, and you guys have participated fairly extensively in some of this stuff, certainly through the GMA planning process, the County's focus today for industrial is in a variety of places, but most of it is along the I-5 corridor and along and what is now being called the Discovery Corridor.

The Board two or three years ago asked the EDC, in which Eric Hovee participated extensively in, to put together an economic development plan for the County to look at sites and areas for focus public investment and for economic development. That report was put out and the Board adopted that as part of the '04 comp plan and it lists a variety of areas, none of which are this, and I'm reading from that, and it's the Port of Vancouver Gateway, the Columbia Tech Center, Columbia Business Center, Salmon Creek WSU Vancouver, Ridgefield Junction, La Center Junction, Battle Ground, Cascade Business Park, Camas Meadows, the Port of Camas and Washougal industrial parks. The Barberton area is a very, very large area and certainly has sites that are appropriate for industrial, but this area is certainly not a sacred cow for industrial such that there is any policy out there that's been adopted to not convert anything.

Why was it industrial in the first place. If you, I don't know if you've got a big enough picture of the area that would show a little bit bigger area than this, larger maybe not smaller, well, the Barberton area includes areas that are far north of this, all the way up to 119th, we're just kind of making this picture bigger, I wanted a bigger area, but the focus of that or the central portion of that is the railroad that you can see that runs along over in here, and if you look at all of the industrial, this big chunk of industrial zoning that's was, that's been there since '79 when most of this stuff was vacant it was done, they just took this wide swath and put it along the railroad. 25 years later the world has changed some and the Padden is there and it wasn't then, the railroad is no longer accessible to either by virtue of no spurs being built or much, much parcelization and no legal access to that railroad from a lot of the sites particularly on the periphery of this area and this is certainly one of those pieces as was the Kennedy piece that you guys looked at last year.

In general staff says that we don't comply, basically you just don't comply with the comp plan and with the GMA, with GMA or this application or proposal doesn't. First of all, as you guys well know the comp plan is not a regulatory document, it is not a compliance document, GMA, at least the 13 goals of GMA, are not regulatory or compliance. What they are are they are this is a policy document, that's why you guys were put in the place that you were is to decide and to help the Board make policy. The goals of GMA or certain provisions in the comp plan, preservation of critical areas is one of them, so is protection of private property rights. I can assure you that if I comply with one of those things and it's absolute, I'm going to violate the other one. Affordable housing versus the anti-sprawl provisions, there are a whole host, I mean there are hundreds of policies and goals in the comp plan and you guys talked about this earlier tonight in one of your deliberations, I can go through and make a good case

picking and choosing out of the hundreds of goals and policies that are in the comp plan to make a case one way or the other. The job for you guys is to sit and look at what the purpose for those goals and policies is to identify for you and for the Board these are the considerations that you guys should look at when you're making these decisions and then each community and each body in each community balances those as they deem appropriate and makes a decision.

The only comments that were received on this, and let's just try to walk through the staff report here fairly quickly, the only comments that were received interestingly was by the City of Vancouver and on today, that's actually kind of interesting or ironic. Number one, what they argue is, number one, well, the comp plan says that the only time you're supposed to take industrial out of or talk, look at converting industrial is on a ten-year comp plan update. Well, number one, that isn't -- that's not exactly what it says, and, number two, that is not what the Board has ever done or adopted. The Board last year specifically said that they were not -- or in '04 they were specifically not going to take comp plan, site-specific comp plan amendments as part of the comp plan update that we're doing right now, in fact they specifically said the annual review process is for that. Number two, the Board, both this group and this Commission and the Board last year, looked at employment pieces and industrial pieces and made decisions one way or the other about them. You have done the same thing this year. If in fact this were true, then why did the County accept those applications and why is the County processing those applications if the comp plan says that you -- you're not supposed to be doing any of that.

Number two, what that provision also says is you -- is that you can do, number one, that provision alone says you can do it if you have replacement, if there are replacement parcels for ML which is also gets into some of the no net loss stuff that we'll talk about in a minute, what the City argues in their letter is, well, they did add 119 acres of ML but we think that the reason that they did that was to correct an error and that's what's their letter is we -- their understanding was that was an error correction. Well, I actually brought with me the resolution that the Board adopted and if you read that resolution what it says is is that regarding the extension of emergency ordinance rezoning certain properties from BP to ML, whereas there have been complaints from property owners about the rezoning of certain properties from ML to BP, whereas the Board is concerned that such rezoning has caused a hardship for property owners, and whereas the comprehensive plan allows both BP and ML, it is clear from this that there was no mistake, what happened is as this Board knows, as this Commission knows, is that after the Board considered those things and adopted them there was a huge human cry from a variety of people that didn't want that done and identified to the Board a variety of problems with that and the Board looked at those substantively and went back and changed them. They didn't do it because there was no mistake made, the Board went back and added 119, and I've got all the resolutions here and I've got each -- the acreage of each parcel that was added and if you add them all up it's 119 acres, this piece is five acres.

There was a discussion tonight, one of the Commission tonight asked something about the City of Vancouver and essentially whether their comments, you know, whether they have any jurisdiction here or whether their comments carry any additional weight here, there is no secret that the City and the County's relationship over GMA issues and over comp plan issues is fairly acrimonious at this point. The City testified against, very vehemently against the very plan that you guys recommended to the Board and that the Board ultimately adopted. Today as you many of you probably know the urban holding issues that you guys recommended to the Board and which the Board ultimately adopted was appealed by the City. The City doesn't like anything that you or the Board have done. They have a right to comment, they have no regulatory authority in this case and their opinions are as valid as any other member of the public's, no more, no less. It is also interesting, though, that they're commenting on this particular proposal when which is a conversion of not very good industrial to a piece of commercial property next to a commercial node where CTC for example was originally the sort of the crown jewel of high tech and industrial development which the City now has amended or at least allowed a Wal-Mart and a Home Depot to go in there, the Birtcher piece of property also in the city now has a Wal-Mart and other commercial development pending. So simply as a point of reference, it appears that there are times at least when the City of Vancouver also believes that conversion of industrial land to other commercial uses may be appropriate.

Issues in the staff report, one of them is transportation. They say a lot of interesting things and about, number one, that this may impact certain intersections, may have, it may have some impact on, particularly on the Padden and Andresen. What's interesting, what's the most interesting about this, is that if you look at the staff report it specifically finds in two places that if this project were approved it would meet the County's current concurrency regulations, there is capacity for it. If you want to base a decision on -- any of these decisions on whether or not within the 20-year planning horizon using the staff reports words that it may put an arterial intersection at risk, which are the words in the staff report, I can assure you and you well know that virtually every arterial intersection in the county is at risk of falling below the adopted level of-service sometime within the 20-year planning horizon.

The planning or the transportation analysis that is in this record demonstrates that there is and that there is 188 additional p.m. peak trips from this that would be generated out of commercial out of this proposal than if it were industrial and all of those as you know are based upon assumptions about what might go there, whether it's commercial or whether it's industrial. Some of those could be higher, some of those could be lower. The ADT numbers, the average daily trip numbers, theirs again could be higher or lower, but I mean I would sit here and tell you just like we did with Costco when we did Costco and just like we did with the Kennedy piece above it that you recommended for approval and the Board adopted is that with -- as a general rule the commercial is going to probably create more trips than the industrial would on average, but in this case, number one, there is capacity in the system which even staff admits today for that small increase, and, two, most of the increase being the ADT is at a time



the average daily trips when there's tons of capacity. What we worry about and what our -- all of our regulations are based on is p.m. peak hour, what happens at rush hour, and in this case staff has found that there is capacity for this project at rush hour today. Will it add to, will it add to the ongoing transportation problems that we have, yes, would any development, would industrial development add to those, yes. Staff raises the ten year issue that I already talked about the City of Vancouver raised. Again, if that were the case then we wouldn't be considering all of these tonight, the Board would not have and this Commission and the Board would not have taken those up as annual reviews last year and approved them.

Another thing that the staff report talks about is the no net loss criteria and I think we've finally for the first time in two years clearly established that those three criteria that are mentioned in there are disjunctive, not conjunctive and you only need to meet one of them, I think we meet all three of them. The first one is whether or not there is a replacement ML for what we are doing here, this is five acres, 119 was added. The second one is is this better suited for commercial than it is industrial, there are a whole host of reasons that it is better suited, number one of which is the access to Costco is here and there are out pads that will be constructed of other commercial in here, this whole area is a very substantial burgeoning commercial node with Home Depot, Krispy Kreme, Costco, I'm going to get to -- you're going to laugh about Krispy Kreme here in a minute when I --

DELEISSEGUES: Wendy's.

PRINTZ: -- read the Barberton study for you, what goes here, Mr. Horenstein has a request up in here, this area right here will make a very good substantial commercial node and it's supported by some other studies.

BARCA: Excuse me, as brilliant as that is on this screen we need this followed over here.

PRINTZ: I thought he was following.

BARCA: No, he wasn't.

PRINTZ: I'm sorry. That's, anyway, what seems appropriate for this area is, yeah, sorry, I'd much rather be where I am than where you are, that's got to be a tough deal. And, third, well, plus also I want you to notice that there is a road from the Costco site, from this major commercial area here, this is stubbed right to this five-acre piece that we are talking about, so the access from this piece would come out through the commercial area into the commercial traffic and be -- and exit and enter at that signal. Eric Hovee tonight is going to talk about another reason why this is better suited which is why it far more accomplishes the economic goals and the job goals of the comp plan than industrial would on this particular site.

And the last one which is of those three criteria is can it be made to -- can you turn it into prime industrial. Well, the definition of "prime," number one, is ten acres, there are a variety of definitions, but that's one of them, and we've got about a five-acre chunk here of dry ground that we can use, none of this is usable, which is again why, and it's in our narrative and it's part of the proposal, that the only thing we are seeking to rezone here to commercial is this upland chunk here, so we don't meet any of the three or meet all of the three no net loss criteria. What actually Hinton wants to do here is to do a stand-alone retail project and a three-story office building with retail on the bottom and office on the two floors above it, that's what, that's what they're seeking to do here, that's the site plan that we would like to come in with, that's what they're talking about now, that's what all this analysis has been based upon in terms of transportation and jobs and other sorts of things.

Another thing that staff raises in their staff report which is interesting are there are a variety of references to transit and the fact that we've, you know, we've pulled out a comp plan policy or two that say, well, you're supposed to site high intensity uses near transit. Well, Costco and Home Depot and Krispy Kreme are probably on a square foot basis, some of it if not the most highest and most intense uses in the county and there is no -- there isn't service, transit service to the door, and in speaking with C-TRAN they would tell you the same thing that they've told me is they will when they believe that there is sufficient need, sufficient ridership in any given area, they'll be more than happy to put a bus there, but until that time they won't. As a practical matter, as a part of the site plan approval is as many of you know what we do all the time is we will build bus pull-outs and accommodate transit which is really what most of the policies in terms of encouraging transit are designed to do is is when you build your site make sure that they are transit-friendly and they have areas that buses can use if buses ever come.

The crux of staff's argument is essentially that we really don't want any more commercial in this -- any commercial in this area, we want this Barberton area for industrial development and we've got all this focus public investment and that we're going to hopefully some day put into this area and the staff report says that it is for industrial jobs. That is simply false. I've got the Barberton study right here and it is really quite interesting. It says a variety of things, one of which I'm looking at the overview of it, it's trying to create shovel ready nodes of job growth, nothing about, nothing about industrial specifically. And it also says in the overview it talks about enhanced marketing of commercial and industrial properties.

Let me put this up for two seconds. This is a picture of the Barberton area that the study that staff has cited is from and as you can see it goes all the way up to 119th, all the way down south to 78th and it includes all the Padden and the interchange and 205 and, you know, all of Andresen, it's a very large area, and if you're familiar with that area you know that it contains a whole host of uses, residential, industrial and commercial. Out of the Barberton study comes this, one of the first tasks it will help to forecast the needs of Barberton is the completion of a market study; however, a market

study is in its simplest form achieved by simply seeing what is on the ground and under development. While much work is left to be done, the area has many indicators of good health. And let's see what those are. It could be asserted that the real estate professionals that site Costco's and Home Depot's do very thorough research. That research brought both of them into this area. Both properties will serve as major commercial anchors. Anecdotally, if the area has attracted a Krispy Kreme Doughnuts, the future looks bright. There is also a major shopping center at 72nd and 119th which is the very far end which is the Gramor piece that was brought into the boundary as urban holding through the 2004 comp plan, that originally was proposed for industrial and the Board ultimately made commercial.

A compelling reason to promote Barberton is to support these businesses and numerous smaller businesses that already exist. That's the Barberton study that they talk about. And there's more of the Barberton study. Additionally the north end of the Barberton business triangle has a node of yet greatly underutilized commercial property which is the Gramor --

WRISTON: You need to slow down.

PRINTZ: -- which is the Gramor piece I just talked about, sorry about that. I'm trying to get these guys out of here before midnight. As part of the comp plan update this was extended northward, the result is a commercial node at 72nd and 119th which is large enough and superbly located to be the site of a character defining commercial crown for the area. Another hub is forming at the confluence of the Padden Parkway, Interstate 205 and Andresen Road. Both of these areas are benefiting from the opportunities presented by significant public investment to infrastructure. It is patently clear that the Barberton study strongly supports both commercial and industrial development for jobs, it specifically calls out that this area as a burgeoning area that should be supported with public investment. We went through this same stuff last year on the Kennedy piece with, you know, many of the same things in the staff report. They conclude that the County's -- at least with Criterion A that the County's transportation analysis says the system will be impacted, yet it says in two different places that it will meet the level-of-service standards.

It says we violate, you know, we don't meet the no net loss policy by citing, you know, the ten year thing, by citing -- by simply saying that we don't meet, we don't meet the criterion, yet they don't cite the resolution that the Board made. They don't go through any of the analysis, any of the economic analysis that we have, they don't say anything about the economic and marketing study that's done by Mr. Hovee, all of which support all of that, nor the fact that this piece probably doesn't meet prime, the definition for prime. Then in the locational criteria, you heard this a little bit with Steve's presentation a minute ago, this is just wrong. The comp plan does not say that you only apply -- that highway commercial is only applied to strip commercial areas, that is not what it says, nor does it say that you cannot, there's any policy whatsoever for not creating new highway commercial. What it says is there is a policy against extending strip

commercial and I've got the language right here which I will read to you. "This designation is applied to existing strip commercial areas as highway or limited commercial zoning. The strip commercial areas are generally characterized as narrow bands as commercial uses adjacent to major and minor arterials. The 20-year plan strongly discourages additional strip commercial being applied to new areas or existing strip commercial areas," it strongly discourages additional strip commercial, it doesn't strongly discourage highway commercial, it strongly discourages strip commercial, and that is exactly the case. And if in fact, and I'm going to, I want you to put these three things up for me, please.

WRISTON: How close are you getting, Randy?

PRINTZ: Five minutes.

WRISTON: Don't worry, I'll be hammering on Mr. Horenstein too just so you don't feel --

PRINTZ: If there was any question that the GC was only -- or highway commercial was only to be applied to strip commercial here is the area out by the fairgrounds that you just saw, all of this area that's in this black is highway commercial, it isn't strip commercial, this is a huge commercial node. The same thing occurs here at this is the Padden area that we're talking about right now, this is a huge commercial node, this is not strip. If you look at the 134th corridor this area all in here in black is all highway commercial, it's been zoned that way for a long time, it is not anything -- it doesn't look anything like strip commercial and isn't strip commercial.

Okay, with that I'm pretty much done. I'm going to have Eric talk a few minutes about the economics of this. I think it's worth noting also you guys last year along with this piece you may remember there was a piece over on the other side of the Padden that actually was GC as well, it was Aho's had it and we took that piece was about seven acres and was subtracted out of this and made into residential because the County didn't want it -- even though it was zoned CH they didn't want it to be -- to access, they didn't want a break in the Padden which was the only way that you could serve it and so this node actually has had, you know, more acres than we're trying to add to it taken away on the other side for whatever that's worth. Eric.

BARCA: Will the testimony be different than what you've submitted us?

HOVEE: It will be a brief summary of that. I just want to summarize the major points which are not reflected in the staff report.

BARCA: Okay. A summary that will have more brevity than what we've experienced?

HOVEE: Yeah, I think I'll be just a few minutes.

BARCA: Thank you.

HOVEE: Eric Hovee, Economic Consultant, 2408 Main Street. We had submitted two items related to economic analysis, the commercial market need analysis in January and then we did a supplemental economic analysis comparing the economic benefits of continued industrial versus commercial use for this parcel. Let me first just quickly summarize the commercial needs analysis.

We conducted a similar needs analysis for 14.6 acres of Hinton property on the other side of 88th last year, our analysis this year is consistent in terms of the format and the conclusions not surprisingly are very similar. Number one conclusion is that there is a continued, in fact a growing, lack of larger sites that are needed for comparison and destination retailers and I think that's been a theme throughout many of the hearings this evening, and which is especially is important as more retail ranging from Costco's to Home Depot's to other uses increasingly site in large format settings requiring large acreage. The majority of the inventory that is unconstrained for commercial use in Clark County consists of small acreages of less than five acres and it simply is no longer suitable so we have a substantial need and that need has increased.

A second observation is that obtaining additional commercial is pivotal to recapture of its sales leakage. What is noteworthy is that for 15 years from the 1990s until about 2002 sales leakage in Clark County bounced around between 30 to 35 percent of sales potential within the county, 2002 was the sort of the high watermark for sales leakage and has dropped in three years from 35 percent leakage to 28 percent leakage. A major reason for that drop has been the -- has been the entrance of major large format retail into Clark County evidenced probably nowhere better than this site with Home Depot and Costco. And a third note related to that commercial need analysis is the extraordinary site opportunity that is represented by the conjunction of Interstate 205, the Padden and Andresen Road to centrally serve the entire Clark County market and, again, retailers like Costco that have only one store in the county find that this is the perfect location from which to serve the entire county.

The second report that we conducted I noted as a supplemental economic analysis and it was conducted to compare the benefits, the economic benefits to the community of industrial use, assuming that industrial use would actually happen, which it has not for a considerable period of time, versus commercial development and the commercial development that we compared to was the applicant's proposal that would involve a combination of office and retail use. To boil down the comparison, our conclusion is that a commercial use, a combination of retail and office, offers greater development intensity, three and a half times the valuation of industrial use, it offers three, almost four times the employment and payroll benefit, in fact average wages are roughly comparable to industrial use because we're really getting the benefit of is relatively high retail wages from retailers like Home Depot and Costco that pay at the top end of the retail scale compared with relatively low end industrial wages characterized by some of the transportation and wholesale firms that are in the area today so we get

high payroll. In fact the payroll as I say is four times that that an industrial use would generate. And then when you look bottom line at the fiscal benefits to Clark County over a 20-year time period the County gets six to seven times more tax revenue over a 20-year period with commercial use than it would with industrial. Those are really the main points of our analysis. I'd be happy to take questions but I'll stop there.

PRINTZ: Thanks, Eric. And to conclude, we've got the same developer who developed the Costco site, the piece on the north, and this piece and that's one of the reasons why that was stubbed out there. Their hope is to continue to have a cohesive commercial development in this area. This piece has been there since before 1979 zoned industrial and has remained that way and will continue to remain vacant and underutilized for a long time if you do not recommend to the Board to do something different with it. Thanks.

WRISTON: Questions?

RUPLEY: Describe again what you -- did you say retail on your floor and then office two stories above?

PRINTZ: Go ahead.

HOVEE: Yeah. The assumptions that we've used that the developer would be proposing is a first floor of retail and roughly 50,000-square feet and then two floors of office space above and when we looked at the comparative benefits we were modeling that use in terms of jobs as well as tax benefits.

DELEISSEGUES: I have some questions about the adjacent land to the west. From the aerial photo it looks like some of the wetlands are characterized by green vegetation on the aerial photo.

PRINTZ: That whole area is kind of a patchwork of -- it's kind of a mess.

DELEISSEGUES: That's what I wanted to know. You see the land to the west is wet as the southern part of your parcel and so forth.

PRINTZ: Some of it's okay, some of it's not. We haven't gotten into the delineation, you can look at the GIS packets and kind of get a feel for what's out there. Some of it's probably usable but a lot of it's probably not, but I haven't -- I mean we haven't done any analysis on that site, I mean I'm doing this very anecdotally, and I don't want to misrepresent the character of that site, but I do know from a fair amount of experience in this area that all of this stuff, and if you look at where the Padden is you've got, and Andresen are around those intersections, you've got tons of wetland mitigation sites that are out there and there's just a patchwork of -- and we went through with Costco, I mean we filled seven and a half acres of wetland with Costco in order to do that project. So there are, you know, it is pretty patchy with wetlands, they are constrained

sites but there is some development potential that they have.

DELEISSEGUES: Okay. I just wondered if that would limit, you know, the opportunity to combine parcels to the west and make a bigger more attractive industrial site but it doesn't appear that it would.

PRINTZ: Again, yeah, and I don't, I don't want to tell you that that can't be done I mean because I don't want to, I don't -- I want to be very careful about not misrepresenting what's out there so.

DELEISSEGUES: Well, I appreciate that. Thank you.

WRISTON: Further questions? Is there any public testimony on this matter? All right. Seeing none.

PRINTZ: I'm done.

WRISTON: Staff?

RUDZINSKI: Staff will try to address a couple of issues that came up in the applicant's presentation that may or may not help your decision-making, we'll give it our best shot. One of the questions was, you know, how does one actually be allowed to convert employment land to a different use, it isn't the no net loss policy so much as it's Policy 9.1.11, we've referenced that earlier in the evening on Page 4. Basically you can if you can find equivalent acreage somewhere else in the county to offset the loss in employment land, then the Board can go ahead and approve an application. So there is an out there, if you will, it's not a matter of it's absolutely not allowed, there's a provision for it.

DELEISSEGUES: Are you talking about employment or industrial?

RUDZINSKI: The conversion of industrial employment center lands to non-industrial in non-employment center districts shall occur only during the ten year --

MABREY: They're the same.

DELEISSEGUES: But if this said retail and office, it would certainly be employment land?

RUDZINSKI: Well, not, we can't guarantee the uses, the uses that the applicant has identified --

DELEISSEGUES: You can't decide that there won't be a use either.

RUDZINSKI: -- is allowed in CH definitely but so are a number of other uses. I'm

sorry, yeah, I think you understand what I'm saying.

PRINTZ: There are no non-employment uses allowed in --

MABREY: It says "employment center" which refers back to our employment center comprehensive plan district even though it's not capitalized it's pretty clear from the context that's what we mean.

PRINTZ: And I think he's actually right on that, I agree with that interpretation, but I also believe that the Board very clearly did this last year as did the PC that you found that the 119 acres that were added more than offset that request and the Board specifically found this last year when they unanimously approved the piece across the street as did you.

ALLEN: Can staff address that 119 acres?

RUDZINSKI: Yes. Actually we did address this previously, Commissioner Vartanian had this same question, it was wondering about the applicant's reference, I'm going to go ahead and read from our response since it's more succinct than my brain is right now. The argument is that the acreage added to the inventory of industrial land in 2005 exceeds the acreage sought to be deducted from the existing industrial land base through this annual review request. Staff does not agree with the applicant's premise that the loss represented by approval of the NE 88th Street request is offset for the following reasons: The urban plan designation to zone consistency chart that's in the comprehensive plan shows that office, commercial, business park and manufacturing zoning implement the employment center designation, so there are two different zones that implement the employment center designation. The 2005 action did not change the comprehensive plan designation, it simply changed the zoning from BP to ML. So the County didn't increase employment land as a result of the '05 action. In fact staff has ascertained the jobs per acre for business park are more than double than that for ML, so it's anticipated that actually more industrial land will be needed as a result of the rezoning of most of the business park land to manufacturing, that was our assessment.

PRINTZ: That isn't what it says. What it says is the replacement of ML and that's exactly what happened, the Board made, created in the resolutions that I've got sitting here 119 acres of ML that were not ML before.

RUDZINSKI: It's all employment center designation.

WRISTON: Okay. Everyone clear? Any other questions?

MABREY: Can I do some other response to the last hour or so of testimony because there's a couple of things that I'm not in agreement with in addition to some traffic information I think. The initial story seems to be that since this property was zoned in 1979 as ML that it's been passed by and it's not appropriate for that because it was



never developed with ML, the property adjacent to it, United Pipe Supply, is located on it, obviously they found it suitable and there's a number of other developments on the north and south side of 88th Street which have happened over the last five to ten years, many of them over the last couple of years. The trigger seems to be the availability of sewer and the improved accessibility brought about by the Padden Parkway and rather than some inherent flaw in the land itself.

I would suggest the Padden, the investment in the Padden Parkway, was again cited as a reason to convert to commercial while the accessibility is also necessary to support industrial jobs. In terms of the -- and the references to the Barberton study are interesting, but the Barberton study has never been approved by anybody or it was some sort of a work in progress from staff I think to try to get the Board interested in doing something in this area.

PRINTZ: And it was raised by staff in the staff report.

RUDZINSKI: I would --

MABREY: Well, no, there's a Barberton public focused investment area and the boundaries of that were identified and a certain amount of analysis was done on all the focused public investment areas.

PRINTZ: Yeah, I've got the report.

MABREY: But that document doesn't really exist --

PRINTZ: This is the Barberton --

MABREY: -- in terms of --

PRINTZ: This is the Barberton study.

MABREY: There isn't an approved Barberton study and that's what you're quoting from is something that Derek Chisholm worked on on his own but never got out the door as far as I know. But I --

RUDZINSKI: I think the point is that staff has referenced an area, a public investment area that does have boundaries and the intent was to focus investment in these area for industrial uses and that's what's referenced in the staff report, we did not reference or include in the public record that study.

PRINTZ: This is from the Department of Community Development, Long-Range Planning Division, November of 2004, An Area Assessment of the Barberton Business Triangle, Toward Economic Development in the Barberton Community. It's published on the County's Website.

MABREY: It's something that a staff member did create, okay, I won't -- I don't want to get in an argument about all the details of what it says but --

PRINTZ: It's from the County.

MABREY: -- if you want it in the record you need to put it in the record probably because we can't respond to it just simply based on the things that you've plucked out of there.

WRISTON: Well, I think it's going to go in the record but I also think he was responding your staff report --

PRINTZ: Absolutely.

WRISTON: -- your staff report did if I recall.

MABREY: No, it referenced the fact that this has been identified as a focus public investment area, that's all.

WRISTON: Anyway.

DELEISSEGUES: It is referenced in the staff report right there.

MABREY: The details of it were something else.

WRISTON: It's in the record I think or will be.

MABREY: In terms of transportation impact, this seems like a classic case of the transportation land use cycle in action whereas the County invests in a new Padden Parkway and suddenly the land values go up and the highest and best use of anything that you can see from there is commercial. We have some points of agreement that the highway commercial would generate significantly more traffic at least on a daily basis, we may not agree on the p.m. peak hour. The traffic analysis seems to indicate that the intersections 20 years from now would approach the Level-of-Service E, that would be following another 40 or \$50 million of public investment in a new interchange at Padden Parkway and Andresen in addition to the widening of 72nd Avenue, St. Johns and all the area investments that the County has planned.

The fundamental question is even though it may not trigger the Level-of-Service E where should that -- how should that additional investment in transportation capacity be used, should it be used to support industrial development, should it be used to maintain an adequate level-of-service on this corridor for trips that are going further north to Battle Ground, should it be used to provide the ability to expand the urban growth boundary to the north, it can't be used for commercial uses and all those other things

because it will be gone and so I think that's kind of the fundamental question that you're faced with in terms of traffic.

PRINTZ: Be mindful this is a five-acre piece of property and thousands of acre area and the percentage of consumption that we're talking about in a 20-year -- if you're talking about the 20-year planning horizon is almost incalculably small, sorry.

VARTANIAN: Easy for you to say.

PRINTZ: Yeah, well, I know.

ALLEN: Mr. Printz had mentioned that why is the County accepting those applications if they are not in compliance with applicable criteria, was the applicant told that this may or may not be approved so they were informed of that?

RUDZINSKI: Right. In the pre-application we went through the applicable policies, this no net loss policy being one of the largest one's that seemed to preclude a conversion so.

PRINTZ: Right. And that wasn't the -- the issue that we raised was that was the City of Vancouver as well as staff on the ten year and whether or not the only time you could consider a conversion of industrial was in the ten year and if that was the case, then all the ones that the Board considered last year on annual review and adopted, as did this Planning Commission, apparently were illegal.

ALLEN: Well, that goes back to that piecemeal approvals instead of cumulative plan.

WRISTON: Okay.

VARTANIAN: Hopefully a quick question if I might.

WRISTON: Yeah, go ahead.

VARTANIAN: Given the trade-off in employment was it about nine per acre for industrial, is that the assumption in the plan these days? I think it's something --

PRINTZ: I think it's 9 and 20.

MABREY: 9 industrial and 20 for business park, yeah.

VARTANIAN: And the fact that we're going to convert some of this industrial land to retail and some on the land office which is employment lands, any kind of a calculation on how many jobs we have lost?

PRINTZ: No, you've gained.

VARTANIAN: All right. Gained, I'm sorry, did you say that before and I just --

HOVEE: Yes. There's a substantial difference in the number of jobs and the differences with industrial you get about 100 jobs, with the proposed use which is a combination of retail and office you get 375 jobs.

ALLEN: So there will be more car trips in and out?

PRINTZ: Yeah, about 188.

ALLEN: 188 peak hour.

WRISTON: All right. Everyone exhausted their questions? Discussion? Motion? Certainly very detailed analysis from both sides so.

PRINTZ: I tried to be quick.

WRISTON: You did all right.

BARCA: That was you trying to be quick. Okay. Thank you.

WRISTON: He did no worse than the other two in front of him.

PRINTZ: I was less than both Mr. Howsley and Mr. Horenstein.

BARCA: But think what you're comparing yourself to.

PRINTZ: All right. I retract that last.

BARCA: I would have to look at what we're dealing with in this particular site and dealing with that particular traffic environment on a daily basis. For myself going through that intersection I think the traffic there during peak hour is slammed already, okay, and whether you're dealing with industrial or commercial at this particular point in time, if the industrial group is getting out at 5:00 or 6:00 or 4:00 it's not going to be significantly different because it's already, it's already slammed. And I don't care what the level-of-service shows for the traffic engineers, I go through it and I know what it's like. If you have an opportunity to use that capacity during the course of the day I believe the capacity is genuinely available.

What I do see more significantly than anything else in this particular proposal is the conservation of the wetlands that's down at the bottom and what I hear from the proponent is an opportunity to say that we're going to set that aside. I think the precedent is correct because what's already happened at Costco is Hinton has already done the filling in of the wetlands there and now we have an opportunity to try and work

with what we have created and made. If we go back to the aspect of this as an industrial piece of property we're going to be facing the aspect of trying to mitigate again in that wetland area. I think when I look at this, this is that particular "or" criteria that says what has changed and what has changed is when we allowed the Costco to go in and the surrounding area, we as the County started the change process. If we don't want that to continue, then I believe we as the County need to go ahead and establish what the criteria is that makes this industrial land to the west of it valuable as industrial land.

My acceptance of this particular application by no means in my thought process sets precedent that says the rest of the industrial land is open for consumption as commercial because the further you get away from the Padden and 72nd, then you're diminishing the aspects of what makes that whole and why people would travel there. But I think in this particular case the County themselves has pretty much set up criteria that allows this conversion to take place and it's very hard for me to justify what we have done in a position that says that, okay, we made these other changes, which as I see it is that particular change criteria, but it's not applicable for this site, I have trouble being honest with the applicant about that and in my opinion that's why I would recommend that we accept the proponent's request for this change.

ALLEN: I have a question. How would the wetland be protected? Is there like a conservation easement now? You mentioned something about the bioswale for or runoff for Costco, is that what I heard you say --

PRINTZ: No.

ALLEN: -- at the bottom of the south of that site?

PRINTZ: No. What I said was is that the southern portion, again this is really hard for you to see and for these guys to follow, what you're looking at right here I believe is some of the storm facility and this is all wet down in here, I know that, and this stuff in here is wet, it gets -- it's also wet down in here, that's why that when Hinton came in and approached the people who own these two pieces and said, look, what we really want is only the usable stuff which is, you know, we're willing to purchase this and we think this works with this, you've already got transportation infrastructure in here to serve it, you've got a signalized access here, you know, this is why we want this piece. If all of this were dry, then, yeah, I mean you would have -- we would have come in and said we would try to approach you with all of it, but that was, you know, that was sort of the only developable piece in there so.

ALLEN: So the lot line adjustment would have to be between two legal lots, right, so there's no extra additional lot being created --

PRINTZ: Correct. And in fact --

ALLEN: -- that's the bottom line, so where would that lot line adjustment be?

PRINTZ: Okay. I will show you. And in fact that would be a condition of approval I assume because the County typically would not split zone parcels, at least not intentionally, and we have proposed that as a condition. It is approximately at the extension of this road up to here and over.

ALLEN: And what would happen to the remainder of the parcel?

PRINTZ: You've got --

ALLEN: Is that going to be protected by a covenant or --

PRINTZ: Well, you've got three lots now and you would end up with three lots at the end, you'd have one down here, one in the middle and one up here.

ALLEN: So is the wetland going to be protected by a covenant or is that going to be sold for further development?

PRINTZ: We aren't purchasing it and don't own it.

ALLEN: Do you know what is going to happen to that wetland?

PRINTZ: I don't know. I do know that if -- that in order to do anything with it you would have to try to obtain a permit. I don't think that trying to obtain a nationwide permit which is for a half acre fill or less would get you -- I can't imagine what a half an acre would do down here for you which would mean you'd need a 404 individual permit which is three years and probably an answer of no --

DELEISSEGUES: That wouldn't be worth it.

PRINTZ: -- for those of who you are probably pretty familiar with that process which is I can honestly say that I have not recommended to a client in probably five to ten years that they go through a 404 process because it's death for lack of a less clinical term, so that's -- I don't know if that -- I'm trying to answer the question that you've asked, we would not own it. Very nice.

(Cell phone ringing.)

DELEISSEGUES: That's what keeps us here until 11:00, stuff like that.

PRINTZ: But we are not -- I can tell you that we are not going to impact it with this development in this proposed development area, that I can tell you.

ALLEN: So once there will be impermeable surface if this is goes through?

PRINTZ: Yes.

ALLEN: Then it would run off into the wetland?

PRINTZ: No. It would -- the first thing the hydrology --

ALLEN: Be treated on-site?

PRINTZ: Yeah. The hydrology in this area if I recall correctly comes this way, comes sort of northwest to southeast, I think that's correct, and what would happen as it does on every site is we would be required as is every improvement to meet the County's stormwater ordinance which means that you first treat all of that water and you release it at predeveloped rates and so, one, we could not put any more than the historic flow in the direction that it currently goes and could not put it someplace that it doesn't go today, and, number two, we could only put it there if it were cleaned so.

DELEISSEGUES: I've got a couple of more considerations to add to Commissioner Barca's thoughts. I always mention employment versus no employment, you know, we have industrial land that's set aside that's been on the market for a number of years and obviously is not in great demand and if that's the case there's absolutely no employment on that land, you can't make a comparison that have nine jobs per acre if there's nobody that's going to buy the acreage and build a building and employ nine people per acre. Nine people per acre is not always a good number anyway because I keep mentioning Dollar Tree out there must have 30 or 40 acres and they got about four people per acre. One thing that is common with industrial land is the transportation impact. If there's no direct access to the railroad, then it has to be truck traffic. Truck traffic takes up much more capacity on a road system than automobile traffic particularly you get into 18-wheelers and the bigger trucks and I don't know, nobody can tell what kind of industrial use there would be there, but if you get the heavy truck traffic you'll lose capacity very fast with trucks versus automobiles.

And the last one that I have is, you know, it doesn't seem like there's the no net loss policy, and I'll keep saying this, makes any sense at all when there's no demand for the industrial land. Prime industrial land, yes, I think there would be great demand for that in large tracts, you know, 10, 20, 30, 40 acres, but we have a lot of second and third class industrial land that would take much more investment to improve the land that would be a long time in marketing and being sold would be long after the prime land was developed and sold. I know we're talking about long-range planning, but some of it is so far out that it doesn't make any sense now and it probably won't make any sense in the future either and I really think the no net loss policy is detrimental to the County right now the way it's written and the way it's interpreted, it's not reasonable, it doesn't add to the revenue coming in to the county, it doesn't add to the employment. Like I say, they may not want to put me on that committee, but I, I second Commissioner Barca's recommendation for approval of this request if I think that's what

he recommended.

WRISTON: Well, I -- well, let's hear a motion.

RUPLEY: I'll make a motion but I want to say that one of the things that I'd like to add to these comments is the problem with reality versus some of the formulas that you see, and I mentioned this when we were looking at Costco, is that because it was considered commercial it was considered low wage and that's actually so far from the truth in terms of a benefit package and a wage that those employees that work for Costco and I'm very familiar with some of the industry that are down on 88th Street and exactly the opposite is there in terms of low wage jobs being in that industrial thing, so with that in mind I want to make a motion to **approve** the request that's here.

DELEISSEGUES: I'll **second** it.

WRISTON: Further discussion? Good. Roll call, please.

RUDZINSKI: Excuse me, if we could just clarify because the applicant's representative did mention the approval being contingent upon the lot line adjustment so that you're only rezoning, redesignating a legal lot of record which does not exist today but is in the process?

PRINTZ: Right.

WRISTON: Did everyone understand that?

RUDZINSKI: If you'd like to amend your --

ALLEN: So the net would be 5.53 acres?

RUDZINSKI: That's right.

WRISTON: Jada.

RUPLEY: Oh, I have to think about that.

VARTANIAN: That's enough.

WRISTON: Need a new motion.

RUPLEY: I would like to **amend** my motion to include that proposal.

WRISTON: Dick.

DELEISSEGUES: It's acceptable to the second.



WRISTON: Roll call.

**ROLL CALL VOTE**

ALLEN: AYE  
BARCA: AYE  
VARTANIAN: AYE  
RUPLEY: AYE  
DELEISSEGUES: AYE  
WRISTON: AYE

PRINTZ: Thank you. And I apologize for having --

WRISTON: That's all right.

PRINTZ: -- another hour of me.

WRISTON: It's late but we need to take a quick ten-minute break and let's get back here.

(Pause in proceedings.)

**PUBLIC HEARING ITEMS & PLANNING COMMISSION ACTION**

14. **CPZ2006-00010 I-205 Commerce Park** The property owner is seeking to change the Comprehensive Plan and zoning designation for parcels 106100-000, 106112-000, and 156189-000 (30.16 acres) from Light Industrial and ML zone to General Commercial and CH zoning, located at the 6400 block of NE 88th Street.

**Contact: Darci Rudzinski (360) 397-2375, Ext. 4434  
or e-mail: [annual.review@clark.wa.gov](mailto:annual.review@clark.wa.gov)**

WRISTON: All right. I'd like to call back to order the Clark County Planning Commission hearing. Our last item on the agenda tonight, CPZ2006-00010, I-205 Commerce Park. Darci.

RUDZINSKI: The property owner is requesting to change the comprehensive plan and zoning designation for 30.16 acres from a light industrial designation and ML zone to a general commercial designation and highway commercial zone. The subject site is located at approximately 6400 NE 88th Street west of the I-205 interchange. Again for orientation, you're familiar with this site, to the south is United Pipe and Supply, southeast Costco, to the west is light industrial, there's a new mini storage units going in and then the railroad and industrial uses that are associated with that. Again the

major policy issues, the County's no net loss for employment land, the general commercial designation that's being requested, the County policy limits this designation to existing strip commercial areas and strongly discourages additional strip commercial implemented by highway or limited commercial based zones, and then the transportation issues, impacts to Andresen Road and Padden Parkway and that intersection specifically is at a risk of failure.

We talked about the Barberton focus public investment area and the fact that the transportation system in this area was planned for industrial uses, not commercial uses. The transportation impact analysis that staff generated did find that commercial uses would have the potential to generate 7,245 more daily trips than industrial uses on the site, again anticipating that there may be impacts at the 88th Street and Andresen Road, but that the impacts from this proposal alone will not reduce the level-of-service on the affected intersections below a Level-of-Service D. The TIA also -- the transportation impact analysis also found that the intersection of Andresen and the Padden Parkway is at risk of failure, it can only be improved with the planned grade separated interchange.

Staff's recommendation and conclusions, the staff recommends that the Planning Commission forward a recommendation of denial to the Board of County Commissioners to modify the comprehensive plan and zoning maps from light industrial to general commercial. Again this is because the County's no net loss policies have not been met, that their request cannot meet the comprehensive plan's locational criteria for general commercial, the 20-year plan strongly discourages this designation from being applied to new areas or extending existing strip commercial areas. And again transportation concerns that granting their requested highway commercial zone is anticipated to impact the transportation system plan.

And we'd be happy to talk more about more transportation issues with you as questions come up. And that concludes the staff report. If the Planning Commission is considering approving this change in designation, staff does have a number of suggestions regarding the transportation system, some of which are spelled out on Page 11 of the staff report, and for circulation reasons we're also suggesting that any change in designation would include a concomitant agreement to address connectivity to the east and west through the site and also north and south and again, we can explain that if that's the Commission's desire.

WRISTON: Thank you, Darci. Any questions?

VARTANIAN: Just a quick hopefully. What's the land -- what's the zoning of the land directly west of that?

RUDZINSKI: Industrial. Let me double-check the map. Yeah. ML, yeah.

VARTANIAN: Okay. Thank you.

WRISTON: Further questions? Mr. Horenstein.

HORENSTEIN: Thank you. Do you have my slides up. The next one, please. It is getting late and I will abbreviate some of our comments regarding the interpretation of the highway commercial zone and the no net loss policy adopting what I said before on the highway commercial and what Mr. Printz said and I have also said to you last week about the no net loss policy. This is the site, just a little background. The site has also been there for a very long time and been vacant. The owner -- before I do that I should introduce my guests here, Paul Dennis is here to talk about the market study, Jeff Wise is here our traffic engineer and Mark Ferris is here who is the representative of the applicant. Again having been here for a very long time the applicant actually went through the process of creating an industrial subdivision, it hasn't helped, the interest in this site remains for commercial retail use, there is not activity, there continues not to be activity of significance even though this is now divided into about ten lots, the activity remains retail commercial as it does down below here.

Now one thing that this doesn't show is on the industrial subdivision 64th Avenue is extended up through the site and bends around to meet the cross-circulation requirements of the area according to the County's cross-circulation plan. You again did convert this property to -- from industrial to highway commercial a year ago. This -- believe it or not this industrial subdivision here remains on appeal for one minor issue and it has to do with an east/west connection between these two properties. That is important to this guy here. The judicial record reflects the County's comments to this owner that his full access here is a little too close to 205, to the interchange of Andresen there and 88th and he is going to either lose it or more likely end up with a right in, right out there.

Now that obviously would make life very difficult for commercial redevelopment of that site. He is contending on an appeal of this industrial site plan that the County is required to -- required to have this applicant in that project create an eastern, a western, I'm sorry, an eastern connection here. The plat is platted so that there can be one. The County and I-205 Commerce Park agree that as a matter of Constitutional issues proportionality and such the County can't require that connection there, that connection is ultimately going to have to be purchased by this guy and that in a curious way becomes an argument for why this parcel may be the last commercial, probably should be the dividing line between commercial and industrial going this way. I hope that made sense. I'm getting a little tired. Please move forward on the slides. Here is a --

BARCA: That's okay, we can't see it anyway and there's nobody else watching so.

HORENSTEIN: Where the arrow is now is the dividing line between those two sites. You can see the site that has debris on it has some improvements of trucks, I'm not sure exactly what it's being used for, but that is the neighbored site.

WRISTON: That's light industrial?

HORENSTEIN: That is, it's light industrial, but it's been zoned highway commercial, you can see by the zone.

WRISTON: Right. But it's truck storage or something.

HORENSTEIN: The site in question is the one right above that right to the west, 64th Avenue will come through right about the middle of that, you can see right there, you see just above the Costco sign is 64th, it will come through this site and I would agree that would need to be a requirement in some fashion of a -- I'm not sure it's a concomitant rezone condition but it's certainly a site plan condition. And ultimately where you see that little dark spot there, just move the arrow just a little bit to its right, that's where -- that's about where the dispute over the whether the access drive needs to be paid for or provided. Let's go to the next slide, please. There you see it from a more elevated view. You can see the site, both sides really are part of that node, the 64th Street there and Costco there and all, this is an old -- this is obviously an old picture because there's usually a lot of cars now in that parking lot where Costco is, and there is retail pad development going on fairly significant down of the south of Costco by again just would be east of where he's proposing that additional change.

The locational attributes of this property, if we can move forward, please, are again similar to the prior matter that I had located near I-205, the Padden Parkway area, it's got visibility and access from Andresen and 205 and fronts along on 88th Street. The 205 Commerce Park did voluntarily provide right-of-way without cost to the County, frontage right-of-way, as an afterthought after it was -- after it's approvals and as part of settling appeals to provide additional right-of-way to widen 88th Street on the north side in the same way Costco did on the south side. Costco really did more of a three-fourth width rather than a half-width improvement and the right-of-way already dedicated by 205 allows that similar kind of width to be done as part of the County project on the north side. That is not to say that as part of site plan approval additional frontage would be required, but we have a head start on that at this point.

The project will complete the northeast leg of 64th Avenue and turn to the west to provide for the cross-circulation that the County's cross-circulation plan requires right there, a special plan for just that area. It isn't going to happen at the rate we're going because there's not interest in buying the industrial parcels in the industrial plan, it appears to us that as with Mr. Printz's property down south, Mr. Hinton's property, the commercial designation will move that forward. Here is a look at the two sites together in a schematic form that gives you a better sense of how these two sites might work together. Again this guy probably going to a right out, right in, here and the access drive between the two parcels here be a shared drive would be my guess. There's a lot of talk on the staff's part about the increased traffic from the commercial development. The reality is this commercial development which will generate more

trips will also have to do significantly more improvements than would be required to redevelop this site as or to develop this site as industrial. Just look at what Costco had to do and assume that their north/south connector extends north onto the I-205 property to the north and you begin to see how the cross-circulation plan will begin to work along with the whatever additional site plan requirements develop for mitigation as the project goes through site plan approval.

Again, this is a, this is a prime site from a commercial highway commercial development standpoint, it is 30 acres in size, it is smaller than the 179th Street property we discussed earlier, but it's still one of the larger freestanding sites that could be available for highway commercial presently. If you put those two together, which would be the most likely thing to happen, you'd have nearly 45 acres, again similar to the highway commercial piece at 179th that you just approved. This slide covers the same things Randy did about the commercial node and the kind of businesses that are developing there. We've been working on the development called Centerpointe just west of, east of Costco, pads, quite a large pad area, it really isn't developing as pads, it's really developing as a series of buildings for commercial use that are driven by the Costco and the Home Depot that are there. Trends do indicate an increased need for adjacency of complimentary uses, commercial uses near employment or residential land fit perfectly at this location.

Approval of this request will add synergy to the existing highway commercial node. There are no alternative sites within the County's current inventory with the above average attributes would. There are a few shopping centers developing like the commercial part of Birtcher Eastgate, Hazel Towne Center, but those are approximately 40 acres in size, here you have a serious commercial node between the Costco piece, the Home Depot piece, all the pads that creates and pulling this one in frankly probably is the last one to allow for that cross-circulation to occur and we can't seem to pay for it, we can't pay for it unless we can develop the piece. Moving forward because much of this we've covered, let's turn to Mr. Dennis and the market study if we can briefly.

DENNIS: Thank you. For the record 1427 NE 5th Avenue, Camas, Washington. The market study, I'm just going to briefly hit upon the market study and not go into a lot of detail, you've heard a lot tonight about the sales leakage and so forth, but there are a couple of things that I want to hit upon.

The study in large part was trying to address the Policy 9.1.8 where the County has stated in the policy that an adequate long-term supply of suitable commercial land be available and as our analysis shows that there isn't a great amount of large commercial sites available in the county to help try to bring back that sales leakage that's occurring. The study focused on retail sales leakage, retail land demand and commercial land supply. Clark County retailers capture about 51 percent of the County's residents' effective buying income, that's effective buy incomes is about 4.8 billion, that's about 20 percentage points less than the regional average and in large part that's due to the

amount of leakage that leaves Clark County to the Portland side for retailers there. The lower level of income capture suggests that Clark County retailers are losing about \$1.9 billion worth of consumer retail purchases. If you look at that from -- there's a lot of talk about public investment and tax dollars and so forth, if you look at what that \$1.9 billion equates to just in local sales tax, forget about the State 6.5 percent, just look at the local side of things, that's about \$30.4 million of lost tax revenue to the Portland side.

As part of our analysis we did do a quick estimate of what this would produce in full operation and that was about \$1.2 million worth of retail sales just on this side alone, it didn't include anything that you could capture if you included the Kennedy piece. Small format retailers is about 938.5 million, large format about \$985 million every year. Approximately 240 acres of commercial land is needed just to absorb the current sales leakage. You can just go ahead and move it. Approximately 340 acres is required to absorb the current leakage in large format categories with another 440 acres required to meet anticipated 20-year growth projections. Now those growth projections were based on the 2004 plan, not on the more updated 2006 planning process, so they're very conservative. Back in December when we -- in January when we did this analysis we looked at the vacant buildable lands model, at that point in time it showed that there was about 940 acres of commercial vacant and buildable land. There's only about 325 acres in parcels that were larger than 5 acres.

The next slide. The County has a net deficit of about 535 acres of commercial land, 461 acres of that was in large format uses. As part of some other analyses we were conducting on behalf of many of the school districts in Clark County we did obtain the VBLM GIS files in April of 2006. We were able to do kind of a quick assessment of what was available based on that Alternative 2 analysis and we do understand that the files are in flux and needs some massaging a little bit, but what it did show for large sites that are 5 acres or larger that there was only 226 available for retail commercial. It should be noted that when we went through those files that it did exclude -- Alternative 2 did exclude the Kennedy property that which was granted the rezone. Even though the zoning maps that we've seen tonight do show it as highway commercial, the GIS files do not, it actually is still carrying it as light industrial. The same goes for the Hinton 117th parcel that was granted the rezone request last year.

HORENSTEIN: Let me just talk about the map changes a little bit. And the reason I want to do that is that if you read the staff report the portion that deals with the map change criteria, you could quickly conclude that the staff actually supports this request. Just to go to a few of the statements. The proposed amendment is consistent with the applicable GMA goals. The change to highway commercial allow a variety of commercial uses permitted on the site, including general retailers over 200, I think that was probably a typo, it should have been 100-square feet, large retailers anyway, which may result in increased commercial employment opportunities especially in the service sector. Think about that for a minute. It's going nowhere as industrial, we won't get the circulation road as industrial and there's -- it just is intuitive that it would

do very well with retail sales there and just add that much more to the tax base.

Continuing with the staff's comments. The impacts from this proposal alone will not reduce the level-of-service on the affected intersections below a Level-of-Service D. Granting the proposed commercial designation would assist in providing more commercial service sector jobs for the community's residents, et cetera, et cetera. The redesignation of this land for commercial is consistent with the type and intensity of uses expected in the Vancouver urban growth area so it's consistent with the policy. If this area continues to develop with commercial, transit service may be feasible in the future. It's expected that a full range of urban public facilities and services will be available. In the conclusion staff says it would appear that the staff could support this request at this location. The staff report, however, recommends denial based on just a couple of reasons and the first of course is the no net loss policy and when it is to be applied, the ten-year update or a process like this, and then the policy, the no net loss policy itself, and then the age-old limitation of highway commercial district to existing strip development and we have been through that quite a bit tonight. If you continue to believe that the language on strip development is just a portion of the ordinance and that the ordinance also would allow this kind of development, and if you believe what you've previously said tonight about the no net loss policy, then, and take those two out of the equation, then you would be agreeing with staff that this project is otherwise permissible.

Let me just talk about transportation for a minute and then we will be done subject to the questions you may have. The transportation impact analysis concludes that the level-of-service in the area is not anticipated to fall below acceptable levels as a result of this change. Now that's a site plan issue, it's a concurrency, it's a concurrency test and that's kind of their bottom line, denial, and therefore denying the request isn't justified based on anticipated transportation impacts. That doesn't mean that at the current planning level this project won't have to do more, maybe perhaps quite a bit more, than it would as an industrial subdivision, but it even in the staff's 10,000 foot look it does not appear we'll have a concurrency problem. No conditions for improvements to the County's arterial plan should be required at this time and circulation issues related to local access as addressed in the County's study should be deferred until site plan review, that's a part of the staff report.

Jeff Wise, the project's transportation engineer, have made the -- provided the following correction to the County's TIA, I am getting tired, the concurrency management system is to be a tool used to manage growth within the comprehensive growth management plan to achieve the goals of the plan itself, it is not the tool used to create the comprehensive growth management plan. The RTC model is the one that is normally used in comprehensive plan analysis and it was really more of a concurrency look here. I think I will stop at that point and be available to answer any questions or respond to staff's responses.

BARCA: So, Mr. Dennis, or is it appropriate should I call you Mayor?

DENNIS: No, you can call me Mr. Dennis, that's fine. I'm wearing the consultant hat.

BARCA: Under these circumstances I didn't know whether I needed to shift out or not. Okay.

DENNIS: No.

BARCA: You talk about the analysis in here strictly from the commercial aspect, we are looking at comp plan reviews with all the Cities asking for industrial land in the very near future and yet you're coming before us and you're asking us to take a 30-acre parcel out of the inventory for commercial benefit and then we'll turn around and we'll plug in some other parcels to make up for that. How many 30-acre parcels do you think are readily available for us right now?

DENNIS: For what use?

BARCA: Industrial.

DENNIS: Industrial for 30-acre pieces, probably more so than are available for commercial. I can count just within our city quite a few 30-acre parcels, I can count 80-acre parcels that are available for industrial use and that actually are probably more suitable for industrial use than this site here. If you look at the location of this and all the commercial activity that's occurring here, this is a prime site to create a great commercial node, more so than you're going to get out at say Cascade Business Park or Camas Meadows or even in Discovery Corridor.

HORENSTEIN: Or the Lagler parcel that's being proposed in Alternative 2, that's a great site for industrial and it will be among the first things to develop out there and then there's some on the very east side of Vancouver, there's quite a bit being proposed.

DENNIS: I think the issue -- I mean if you really want to tackle that issue one of the issues the County's going to have to address is making sure you have enough large sites for commercial and industrial because what you're going to find repeatedly is we're going to have great access and great location like these parcels, but you're always going to be competing, you're always going to be pitting industrial against commercial and until you really start to take a look at providing some large sites, you're always going to run into that situation.

BARCA: Okay. That is exactly I think the issue that I'm seeing right now is with the transportation corridor that's available and the variety that can be implemented in an industrial format for this type of site in relationship to the transportation corridors, I have a big concern about the aspect of this as a missed opportunity and if we look at the 30-acre parcel going into the commercial node, I don't really see the public benefit in



regard to filling the tax coffers might be one thing, but the aspect of the impact to the infrastructure and what the people that try to use the corridor have to go through, it could very well be more of a discouraging aspect to the people that are planning to go to Costco now than it would be in the future if this was an industrial parcel, so I'm thinking at some particular time you overwhelm the commercial viability by continuing to add more and more to it.

HORENSTEIN: I think if Costco felt that they'd be here, they pay very close attention to what's going on around them, and I know that because we did the work on that store and begging to differ with you, I think if you look at other places along I-5 as you go south it still isn't going to be a very big retail node. If you go to Wilsonville, you go to the Tualatin area we're not close yet to the size of those areas and they feed off each other, and we want them to feed off each other because we keep trips more localized for shopping purposes if we do that.

WRISTON: Go ahead. Further questions?

DELEISSEGUES: Well, I just had a question on the staff report. On Page 1 it says "public investment in this area is intended to facilitate industrial job growth," you know, and just remembering what Commissioner Rupley had to say the last time we were talking about this is why are we so interested in industrial job growth, why isn't it just job growth, why wouldn't we want to encourage and facilitate job growth that produces the highest income level for the county and for the people that live here and work here rather than just limit it to industrial job growth?

RUDZINSKI: Historically industrial jobs have been higher wage, higher skilled jobs than say what uses are typically generated under general commercial and, you know, we've talked a lot about Costco but we haven't talked a lot about Krispy Kreme and I think you can understand there's a wide range of what type of jobs you can get through commercial, there are also skilled labor jobs that are particular to particular sectors of industrial uses and again historically jurisdictions have tried to balance out the amount of commercial and industrial to provide for some of those industrial jobs, again more skilled labor jobs.

DELEISSEGUES: In the old days, like in the '30s, you know, I could see industrial which is now called the Rust Belt and we're in the information age now, we're not in the industrial age anymore, we're outsourcing a lot of that kind of work to someplace else. I would think that we would be looking to the future and the future of employment in this county is not the Rust Belt in industry, heavy industry with a bunch of people working on some gadget, it's I think we're going into the information age and we're talking about more of the office complexes, the industrial, or the office parks like Hewlett-Packard and some of those campus-type development rather than what we picture as some industry that's next to the railroad with people banging on things and putting them in railroad cars and shipping them who knows where.

RUDZINSKI: Right. And certainly in the metro area, you know, someplace like Hillsboro with the high tech center, but you'll still see commercial uses limited in those areas again to keep the campus industrial land in large enough parcels to actually facilitate again those type of industrial uses. Some of what you're talking about as long-term more bigger look policies of what the county is developing into and where the County wants to head and then how to provide for enough land to facilitate that type of job creation.

DELEISSEGUES: Well, I just don't think the County should be planning for past employment, they ought to be planning for future employment.

HORENSTEIN: The other thing about this issue of where we put the industrial and where we put the commercial and the retail and the office, we try really hard through our GMA process in good faith effort to kind of place this stuff where it should be, but we also have to listen to the market and as I previously said there isn't interest in this site for industrial, there is interest in this site for commercial. I had a call today from a developer, a top notch developer, who noticed it was on the docket and said call me if you get it through, I'd be very interested. We don't always get it right where we place the various inventories we have to place and the market has told us that this one isn't the right place for industrial.

VARTANIAN: Can staff remind me, why did we change the zoning on that triangular piece to the east of the subject property from industrial to commercial?

RUDZINSKI: Do you want to take a stab at that, Mike?

MABREY: No, I don't.

RUDZINSKI: Well, and staff's recommendation was --

MABREY: Staff recommended against it. It was a --

VARTANIAN: Well, okay, what was the rationale?

MABREY: -- split vote. It's the same rationale that we've reproduced in most of the staff comments which is you got existing industrial development on it, there are jobs on it, we seem to read the highway commercial and no net loss policies as they're -- were written anyway rather than as they're currently interpreted, and that was the primary basis of it. And in addition the traffic impacts and kind of this, well, at what point do you stop and I guess we're finding that we haven't found enough highway commercial, we haven't built a big enough node yet and we'll be back here next year looking at more property on the south side probably, I mean it's obvious that this is not the end of it.

VARTANIAN: Doesn't industrial property industrial zoned include things like Wafer Tech and, you know, the tech stuff?

MABREY: Photonics, right. Right down the street --

RUPLEY: Nlight, it's right down the street.

MABREY: -- Corwin Beverage kind of, you know, there's warehousing distribution in addition to internal sorts of high tech gadgets.

VARTANIAN: Gadgets. No, I -- yeah, I just keep having mixed feelings about how we're doing this. Last week we heard testimony by staff that said we're short 1500 acres of industrial land, you know, we're hearing tonight we're short 400 acres of commercial land and the more we transfer, the more we change the zoning of industrial land to commercial it's almost a self-defining progression, you know, well, we just did that, we may as well move to this one and that adds to the rationale behind some of this we're hearing tonight, you know, just it was industrial, we rezoned it last year to commercial and this is it again and the next property, we'll go on the next property and we'll go and I'm not quite sure if we're serving the county's long-term needs the best. And I understand that's, you know, we're talking about industrial areas that are Rust Belt and we're talking about industrial areas that are not so Rust Belt, it's all industrial, and I'll give you that, and I just, I just have a very bad feeling about converting especially a 30-acre parcel out of industrial into commercial unless there's a real big trade-off on the number of jobs, you know.

And I understand that service jobs are probably going to pay less than manufacturing jobs, although not in all cases, the last application made a lot of sense to me if for no other reason just because there's a change in employment levels, there was a lot more jobs being offered there because of the offices above the retail and all. I'm not hearing a compelling reason in this particular case to change the zoning other than there may be more immediate -- I'll guarantee you, if you're looking for immediate turnover you make that residential, high density residential or medium density residential, you got it sold before we're out of here tonight so.

HORENSTEIN: Well, I think Costco would be here objecting to that.

VARTANIAN: Well, no, well, it's a customer base right next to it.

HORENSTEIN: But let me repeat a couple of things I said in response, Commissioner Vartanian. The piece -- the neighboring piece is not going to do well by itself because it's going to have its -- according to the judicial record its access is going to be limited sooner rather than later. It can have connectivity through this site whether it has to pay for it or whether the Court tells the 205 they have to provide it to him, it's already platted there and they're, the County, is not going to get its cross-circulation plan built to the north there and north and then heading west because there's no interest in this property. So the County between the making the CH you did last year work getting the cross-circulation it seems to be quite high priority to the County. And then to some

extent responding to the market and the tax revenue that that produces there are some reasons for this one that may not exist for the ones as you go further west. The other thing about going further west is that you get a little bit further west and you start having actual real industrial and warehouse and distribution development, this part is -- piece is as flat and empty as you get.

DENNIS: You know you mentioned the jobs, in our analysis we did calculate the number of jobs that would be produced just on this site not including the Kennedy site and what we had estimated was from this site you would have about 600 commercial jobs because of the 30 acres. Now if you look at the County's comp plan for light industrial they're going to assume that you're only getting 9 jobs per acre and 9 jobs times 30 is going to be 270 so you're going to get twice as many jobs on this site as commercial than you would as industrial.

VARTANIAN: Well, what's the comp plan statistic for commercial job, I mean jobs per acre on a commercial?

HORENSTEIN: About 20 I think.

DENNIS: 20 times 30 is 600.

VARTANIAN: Well, yeah. No, and I understand the impact on wages as well, but it's just --

DENNIS: And there are certainly some areas within this county where you're getting job densities way above 20 jobs per acre.

BARCA: If this was exclusively an issue about jobs, then we would go ahead and make it a business park or an office campus and then we would get 20 jobs per acre and an agreeable wage rate that would be higher than the retail jobs that would be provided, this isn't exclusively about that. I know we had testimony last week about the idea of an unemployed retail clerks in the county and how we can't afford to retrain them and they can't afford to drive across the bridge to go to work in Oregon, well, so we could give them jobs here and then they could drive across the bridge to Oregon to go shop, but I don't really think it's about the jobs like this.

What we're really talking about is keeping an inventory available in designated areas that made sense before or coming across and saying that because the market is hot, the node could convert and we could do it immediately. As I see it it's really down to the issue of do we want to immediately capitalize or do we have a long-range plan that's in effect that we're going to let play out for a period of time. The way that the comp plan is continually scrutinized, attacked and revised it doesn't seem like it's a very long period of time for us to have long-term goals before things get undermined and changed anyway.

HORENSTEIN: Commissioner, you're extrapolating some things from what I said that aren't what I said. What I said was and our primary purpose for this, our primary reason why we think this makes sense, is that it's already a commercial node. It isn't the first store in, in fact it will probably be the last stores into the area. It's already there. It's character is commercial. All of the things Randy said apply to this piece as well. If it was -- we're really comparing 20 times the number of net acres to zero because it isn't developing, it has been there for a very long time, we even divided it up in a way that the market says the commercial retailers will tell you it's the right size lots, that's what we don't have inventory of and it's not selling. So it's really zero jobs to the number we would have and it is a -- the area has become commercial in nature. We would build the northern piece of the cross-circulation road that is the circulation road for a retail node, retail center, yeah.

DELEISSEGUES: I wonder if anybody's ever done an analysis of industrial versus commercial where you look at the agreements that sometimes the County or a City has to make to entice an industrial user to come into the county like tax deferral, infrastructure that's paid for by the County, a million costs and sometimes even with all of those promises they go to India or someplace else, Phoenix, Oregon just lost one and they had quite a package, incentive package which seems to me totally counter-productive, you know, the County's not going to make any money on that site for the foreseeable future and by the time they think they're going to make some money the thing's outdated and obsolete and then they have to renegotiate for some sort of a new facility which they may very well lose so there's a total net loss in trying to entice the industrial user that Wafer Tech or Microsoft, somebody like that, that really does pay some pretty high wages, I just wonder if anybody's ever looked at the downside of, you know, trying to utilize to the highest and best use industrial land.

MABREY: I'm aware of several studies in that regard and I'm not able to quote them to you, but the overall conclusion is that you're better off supporting your existing businesses and trying to grow them than hunting large elephants from outside and there are -- there's whole economic development strategies wrapped around that, it doesn't really speak to the land supply issue at all.

WRISTON: Okay. Steve, did you have -- no? Milada, go ahead.

ALLEN: Yeah, when land does not sell there could be other variables other than the market desirability, there could be also the price of the land as well that plays a big factor in why it's not selling and being developed. But when staff report was written it said that the applicant did not provide equal acreage somewhere else, has that been changed since the staff report was prepared?

HORENSTEIN: It's our position that it's not, we're not required to do that under the no net loss policy.

ALLEN: Could staff address that.

RUDZINSKI: Well, we cited the policy, the economic development policy, earlier that's, I would have to find, that isn't the no net loss policy but the policy that basically says looking at conversion of employment center land needs to happen during the ten-year planning period, planning, comprehensive plan cycle, update cycle or equivalent land needs to be found so our response is that that would be a requirement of approval.

ALLEN: Especially for a large site like this, yeah, that would be a consideration.

RUDZINSKI: I'm sorry, it's on Page 4, it's Policy 9.1.11.

WRISTON: Okay. All right. Planning Commission.

RUPLEY: Is there any more public input?

WRISTON: Oh, public input, thank you. Is there any public input? I'm getting so used to this banter.

RUPLEY: Any concluding remarks?

BARCA: There's no public.

DELEISSEGUES: Usually at midnight there's no public.

RUPLEY: And nobody watching.

### **PUBLIC TESTIMONY**

None.

WRISTON: Rich. No. All right. Close public testimony then and return to the Planning Commission and a motion, discussion?

### **RETURN TO PLANNING COMMISSION**

BARCA: I make a **motion**, okay, I'd like to make a motion to uphold the staff recommendation for denial.

ALLEN: **Second.**

WRISTON: Okay. Any discussion on it?

RUPLEY: I think I have my own version of mixed use in terms of commercial as an industrial and as I look at this area like I said before I felt like Costco had good benefits

and plans and if you look along 88th Street you have need for services and so why I voted for the last parcel was it provided a mix that may include places to eat and services for all those workers that are in the industrial area, I don't see the need anymore, I think my vote was with the last parcel so.

WRISTON: Okay. I guess I'll probably be the lone wolf here unless Dick's with me.

DELEISSEGUES: No, you won't be.

WRISTON: But I buy off on -- I mean everything again, all the arguments that have been made tonight, but we have a good commercial, highway commercial node here and a good commercial node here and those are getting far and few to find. I -- also I believe I don't -- we keep saying we have this dearth of ML land and I know that there's a ton of ML land, 20 years out maybe there's not, but I know we can find even more and it's not being used up. CTC, I'm extremely familiar where CTC there, I mean a tough time, I think things are starting to roll a little better after seven or eight years now, but Steve worked on that and they're having a tough time getting their park going, you know, and I think that this has more of a commercial component than an industrial component in this particular area. I heard Mike, I don't think we're going to go to the south. I mean maybe we go to the south, who knows, we'll just have to look at it, I don't think you can go to the south really, but, oh, unless you're talking about that little that ML area down there.

MABREY: Yeah.

WRISTON: Okay. I thought you were talking about going south across, I don't think you're going to go there so, but in any event I for the reasons stated in my other vote and for some other compelling reasons I thought that the proponent put on I would have to say I'm going to be voting, voting no I guess. It's late so.

DELEISSEGUES: We haven't had roll call yet.

WRISTON: No, I know, I'm just explaining, I'm explaining my vote now.

RUPLEY: He wants to vote first.

WRISTON: I'm explaining my vote now so that I can just say no and forget about it.

VARTANIAN: Could we once again go through the change in conditions, change in the circumstances that would be one of the things to warrant a change.

HORENSTEIN: Well, I think the primary one is the --

VARTANIAN: Don't say about the change in Commissioners, please.

HORENSTEIN: I don't think we'll use that one again.

WRISTON: Costco is a change for me.

HORENSTEIN: Yeah, Costco is the change. Costco had to take a little industrial into commercial to make it happen and Home Depot was there first but I think, I think the real change is the commercial coming across Andresen in the form of Costco, the pads that were naturally a part of that Costco site, then you did the one next door last year, it's got momentum, that is the reason.

WRISTON: And I also don't want to forget Steve's, I do agree with you on, I can see where that cross-circulation problem is, throw that in for the record too but, all right. Are we ready for roll call or -- Dick, do you want to say anything? Roll call.

DELEISSEGUES: Nope, I've said it all.

ALLEN: I just want to make sure that we have that I had **seconded** the motion for denial.

BARCA: Yes.

WRISTON: I think you had, that's right. Any further discussion? Roll call.

### **ROLL CALL VOTE**

BARCA:	AYE
ALLEN:	AYE
VARTANIAN:	NO
RUPLEY:	AYE
DELEISSEGUES:	NO
WRISTON:	NO

WRISTON: I wasn't the lone wolf so 3/3 so that leaves it to the Commissioners.

VARTANIAN: Well, we'll have to take out the decision maker here.

DELEISSEGUES: Even if we could vote 6 to zero it would still be left up to the Commissioners.

VARTANIAN: Gee, what a surprise.

BARCA: I was so sure George was going to abstain again.

WRISTON: That was a long night, I appreciate everyone's patience.



WISER: Next week, Jeff, quorum for next week?

HORENSTEIN: Thank you, you guys, long night.

WRISTON: What's that?

VARTANIAN: Thank you staff.

### **OLD BUSINESS**

None.

### **NEW BUSINESS**

None.

### **COMMENTS FROM MEMBERS OF THE PLANNING COMMISSION**

WISER: Will there be a quorum for next Thursday?

WRISTON: Do we have a quorum for next Thursday which is the 27th we will be meeting again?

VARTANIAN: I'll be here.

WRISTON: Yes, the 27th, I was going or is it the 28th but it's already Friday so. Ron?

BARCA: Yeah, that, I will make that one.

WRISTON: It looks like we're -- Milada, are you going to be here next Thursday?

ALLEN: Yes.

WISER: Dick, are you going to be here?

WRISTON: Dick.

DELEISSEGUES: How many people are going to be here?

WRISTON: All of us it looks like.

RUPLEY: Okay. You got a quorum, Dick, let's not.

DELEISSEGUES: I may not be.

WISER: It's at City Hall.

WRISTON: All right. Thank you.

DELEISSEGUES: I might be and I might not be, how's that.

ALLEN: Is there a workshop before?

WRISTON: Thank you for everyone's patience.

### **ADJOURNMENT**

The hearing adjourned at 12:40 a.m.

All proceedings of tonight's hearing can be viewed on the Clark County Web Page at:

**[http:// www.clark.wa.gov/longrangeplan/commission/06-meetings.html](http://www.clark.wa.gov/longrangeplan/commission/06-meetings.html)**

Proceedings can be also be viewed on CTVTV on the following web page link:

**<http://www.cityofvancouver.us/cvtv/>**

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**Chair**

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**Date**

*Minutes Transcribed by:*

*Cindy Holley, Court Reporter*

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*Min 2006 – 07-20.doc*